THE
NATION

MAY 24, 1958 . . 25c

FIRST STEP TOWARD DISARMAMENT

by

Senator Hubert H. Humphrey

THE SUPREME COURT
Its Critics in Perspective

by

Maxwell Brandwen

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JOHNSON CITY, TENNESSEE

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LETTERS

Panda-monium

Dear Sirs: Whatever else one might say about the State Department, this is clear: with regard to the Chinese panda that tried to set paw on our free soil, the department's bold and decisive action is characteristic of genuine statesmanship. No muddleheadedness here, no wavering, no confusion, but a firm and resounding NO!

No doubt, some fellow travelers and misguided dupes will raise a hue and cry about this. Let them! In the struggle between East and West our first duty, in this particular instance, is to the security of our zoos. To date there has not been a single case of subversion in any of them, and not a single zoo-dweller has been placed on the Attorney General's list.

Until we are able to obtain a reliable panda from Formosa we should stand pat on our present policy. In the meantime, hats off to the State Department.

YURI SUHL

New York City

Teachers' Speed-Up

Dear Sirs: As a working teacher, I must protest against Mr. Eurich's endorsement of the speed-up in my trade. The data of his Doctors of Education announce what stingy school boards and penny-pinching politicians knew already: that the only limit to the number of students they can load on a teacher is the distance his voice will carry. The speed-up not only harasses the worker but also cheapens the product in education no less than in industry.

Students do not learn by passive listening, not even when "our very best teachers" talk to them. They learn by doing, by trying and erring and being corrected. The more students per teacher, the fewer assignments and individual correction, the poorer the education. Ultimately the student gapes at the "brilliant" lecturer, searches the single textbook for the likeliest items to expect on the machine-scored, multiple-guess, true-false exam, and gets his grade and his degree. He can't speak or write decent English (not to mention a foreign language); he doesn't know how to hunt up books on a given question and discriminate among them; a laboratory where new questions and new methods are devised is an alchemist's chamber of wonders to him. But of course he gets his degree, his ticket to the first rung of the success ladder.

Perhaps I am hopelessly quixotic, but I will not believe that Americans expect nothing more of their educational system than the cheap manufacture of such tickets.

DAVID JORAVSKY

Storrs, Conecticut

Money Is the Root

Dear Sirs: The title of Alvin Eurich's article — "Schools Need More Than Money"—in your May 10 issue is indicative of a dangerous trend affecting the educational as well as the academic and applied social-science disciplines. After paying varying degrees of lip service to the need for money, Mr. Eurich probed intensely other technical and theoretical problems. The "money question" is merely adumbrated. But is it not evident that without increased facilities and decent pay there will continue to be a shortage of teachers and that the best minds will continue to shy away from the field? Those who do eventually teach cannot make changes either in technique or theory because funds are lacking. . . .

SHELDON ZULKOWITZ

Brooklyn, New York

Mr. Zulkowitz's quarrel with Mr. Eurich would seem to lie in the question of emphasis. Mr. Eurich did not deny that more money is needed for our educational system. But he stressed the point—we quote from his article—that "we are confronted with problems in education that money alone cannot solve."—EDITORS.

Strip Teas?

Dear Sirs: Apropos of Mr. Hughes's beard (see letter to *The Nation*, May 3 issue): Wasn't it Shelley who barged into a tea party in the nude? Suggest that Mr. Hughes assert his right similarly on his next job. This is a free country.

MILDRED H. CLARK

New Haven, Conn.

The Blind Spot

Dear Sirs: The May 3 article by Dr. D. F. Fleming, "A Diplomacy for Free Men," is the most complete, incisive and logical summary of the dangers inherent in American foreign policy since the war that I have seen. Some writers see one aspect, others another, but Dr. Fleming faces them all with unflinching logic. Even that reality for which most of our present day "liberals" have a blind spot, Dr. Fleming faces quite simply and fearlessly—our childish and tragic idea that the progress of a great and intelligent people of 600,000,000 can be checked because the United States has other ideas.

Many liberals and their periodicals have failed us in the period since the war. But not *The Nation.*

CLARA WATSON

Cleveland Heights, Ohio

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NEW YORK, SATURDAY, MAY 24, 1958
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THE NATION

EDITORIALS

Hail the Hero

Few Americans will begrudge the Vice President and Mrs. Nixon whatever consolation they may have derived from the welcome home accorded them by official Washington. Having sent the couple on a disastrous mission, in the course of which they were subjected to gross insult and physical danger, the least official Washington could do was to rally around the victims, as an adoring student body rallies around a defeated football team. But the cumulative defeats in the capitals of Latin America will long outlast the enthusiasm of the folks at home, and official Washington will have a host of questions to answer without, it would seem, any very good answers to give.

Where were the experts of the State Department, the Central Intelligence Agency, the ambassadors and their staffs and the other intelligence and advisory services responsible for reporting conditions abroad? Who conceived the idea that the Vice President's salesman charm could avail against real grievances? Wherever he went, the hands of the rulers were outstretched: more money, please. That situation Mr. Nixon could handle, but what could he do with a population underfed, fed up and not schooled in the polite ways of the Western democracies? Didn't anyone tell him, and the President and the Secretary of State? In heaven's name, what else are the experts and specialists there for? Did Christian Herter approve the project? Incidentally, whatever happened to Christian Herter?

Wreath-laying and speeches simply do not hold up against a certain pressure of popular resentment. The United States provides help for Latin American governments. These governments are almost uniformly tyrannical and exploitative. The mobs Mr. Nixon met equated the United States with their oppressors. The mobs did not represent all the people, but they represented a larger proportion: that, rather than Communist instigation, accounts for the boldness of the demonstrators and the irresolution of the police and soldiers. Isn't it about time for official Washington to learn the facts of life and, if it can't bring itself to change the policies responsible for these recurring humiliations, at least resolve to keep its high emissaries—and their wives—out of situations which may, the next time, end even less happily?

The Butler-Jenner Bill

Maxwell Brandwen's article on the current and earlier attacks on the Supreme Court (p. 461) will, we hope, place the agitation for the Butler-Jenner Bill in proper perspective. There is more to this agitation than meets the eye. Failure to enact the bill will not mean that the campaign to "curb the Court" has been defeated. A stated purpose of the current campaign is to "scare" the Court (see editorial comments, *The Nation,* May 10), and since the Supreme Court does not "scare" easily, the campaign will continue. Moreover, the latest crop of critics has hit upon the simplest, most effective means of curbing the Court, namely, to deny it appellate jurisdiction in certain types of cases. Let no one think, therefore, that Mr. Brandwen is tilting at windmills; the present campaign is to be taken seriously.

Admiral Strauss Should Retire

The term of Admiral Lewis L. Strauss as chairman of the AEC expires on June 30. He can have another appointment if he wants one and that he wants one is evident; only the fear that he might fail to win confirmation has kept the Admiral noncommittal to date. Even so, the White House has been sounding out congressional leaders on his chances. The roster of reasons for the Admiral's retirement is long, the case impressive on nearly every count. But apart from his record in office, there is a basic reason why the President should not send his name to the Senate. Admiral Strauss has lost the confidence of a very large section of the public,

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the press, the scientific community and of Congress. And this lack of confidence stems from the Admiral's lack of candor. For example, what information the public now has about the feasibility of bomb detection has been pried from the AEC bit by bit, with Admiral Strauss fighting like a tiger to keep the public uninformed. Worse, when finally forced to confirm or deny specific matters, he has been less than frank, even with congressional leaders. It is intolerable that a man who has so little confidence in the public or in the Congress should serve not merely as chairman of the AEC but as adviser to the National Security Council and to the President on all matters related to atomic power. Even if confirmation could be obtained—the Senate has yet to reject an Eisenhower nominee—it would be won over the bitter objection of committee members and a sizable section of the Senate. Such a struggle would further undermine confidence in Admiral Strauss. If the chairman of the AEC decides to retire, major credit must go to Senator Clinton J. Anderson and Representative Chet Holifield, both of the Joint Committee on Atomic Power, who have fought a long, hard fight to keep the public informed about the public's major enterprise.

Whither the Pentagon?

"Pentagon Is Split On War Strategy," runs the headline. The Pentagon is also split on unification, but that proposed reorganization is a comparatively simple matter of normal conflict, to be followed by normal compromise. Once unification is achieved, however, what sort of war is to be fought by the newly streamlined outfit? The purpose, after all, is to fight, not merely to spend money.

A basic aspect of the doctrinal dispute is unrestricted versus limited war. One side, regarding unlimited war as inevitable, considers failure to prepare for it with the biggest and dirtiest bombs as little short of treasonable. The other, preparing to fight a comfortable, safe, limited war, denounces the doctrine that little wars are bound to expand into big ones. That, they say, is Soviet propaganda, intended to paralyze us while the Communists nibble away our power here, there and everywhere.

Perhaps the chemists will resolve the dispute. Major General W. M. Creasy, chief of the Army's chemical service, has suggested, through a cloud of top secrecy, that we must immobilize our enemies by temporary blindness, or make them listless by a debilitating drug, or cause them to behave irrationally by a suitable "psycho-chemical." The enemy might, for instance, try to fly across a room.

It is a humane and generous thought. General Creasy says that if he had more money he would work on it. But, like most inventions, it may not be entirely new. The irrationality phase, in particular, may already be operational. It sometimes seems as if both friend and foe were playing it for all it's worth.

The Map of China

Belgrade officials may not be right in attributing to Chinese pressure the emergence of the new Soviet "hard line" on a summit conference. But it is perfectly clear that the Chinese cannot view with unqualified enthusiasm the idea of a summit conference at which decisions of vital concern to them might be reached without their direct representation or concurrence. As we pointed out last month (see editorial "Back Door to the Summit," April 19), the road to a successful summit conference leads through the "back door" of China, that is, of China's recognition by this country and its admission to the U.N. For purely practical reasons as well as larger diplomatic considerations, Washington cannot much longer delay the inevitable. Only last week Dr. Hans Bethe, in testimony before the Senate Disarmament Subcommittee, pointed out that a viable inspection system on nuclear tests should include testing stations in China as well as in the Soviet Union. For a bit longer we can if we wish keep up the silly pretense that Chiang Kai-shek speaks for 600,000,000 Chinese but the large area that China occupies on the map is a fact which even Walter Robertson cannot gainsay.

Medical Numbers Game

The proportion of physicians to population in the United States is steadily shrinking. In 1900, when the population was 100,000,000, there were 150,000 physicians. In those days the quality of medical training was very uneven, scientific medicine was in its infancy, hospitals were few, paramedical personnel fewer and laboratory facilities non-existent. A rehabilitation of medical education since that time has reduced the number of medical schools from 175 to 90, and reduced the number of annual graduates as well. Today there are more hospital beds, more paramedical people and an abundance of laboratory facilities—but fewer doctors *relatively*. True, almost 200,000 physicians are licensed today, but about 50,000 of these are in the armed forces, in hospital training, in medical education, in salaried jobs in industry, or in retirement. Thus, with the population risen to 170,000,000, there are about the same number of physicians in public practice today as there were in 1900. And, of course, the physicians we have are badly distributed as between urban and rural areas.

Moreover, the situation is getting worse. By 1975, the country's population will be 220,000,000. Even at the present inadequate physician-population proportion of 1 to 1,100, this means we will need 45,000 additional doctors in only seventeen years, not counting the

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increment that will be needed for education and replacement.

The American Medical Association—the physicians' trade association—naturally takes the position that (1) there is no shortage; (2) even if there were, the increasing number of medical school graduates would take care of it; (3) the whole discussion is outside the framework of lay concern. But a trade journal, *Medical Economics*, modestly disagrees with the A.M.A.: there *is* a shortage, it says, and laments the fact "because to whatever extent the country's medical needs are underestimated," the physician now in practice "is bound to be overworked." What concerns *Medical Economics* is the welfare of the physician, not of the public. It ignores the social responsibility of the profession: to seek federal funds for increasing facilities *immediately*; to organize doctors *immediately* in such a way as to assure more efficient methods of practice and more equable distribution of medical services.

It begins to look as though medical-care organization is too important to be left to the medical profession.

Trade Boycotts and Soviet Power

Mr. Khrushchev has announced that the Soviet Union would like to spend $100,000,000 in the United States, West Germany and Great Britain for equipment needed to expand its chemical industry. This time, Mr. K. is neither bluffing nor boasting. He has the funds and the authorization to spend them. Nor is he talking about mere items of equipment; as part of a huge effort to increase by eight-fold the production of clothing, footwear, fabrics and household goods, the Soviets want entire chemical plants. This ambitious program clearly presupposes the import, on a large scale, of cotton, wool and other raw materials. The Soviets point out that the desired equipment will not be used to produce military items even if, as seems likely, the plants might be converted to this purpose.

Along with this latest offer to trade come reports from Dr. Dennis J. Carney, one of this country's leading steel experts, on the phenomenal expansion of the Soviet steel industry, and from Mr. Allen Dulles, director of CIA, on the Soviets' rising industrial power. All such intelligence points to a conclusion that needs emphasis: our trade boycott has failed to prevent Soviet industrial expansion and may possibly have furthered it by forcing the Soviets to undertake projects which might otherwise have been delayed or not undertaken. Precisely because a summit conference or general political settlement seem unlikely at the moment, opportunities for trade and cultural exchange should be fully utilized. Despite many difficulties and disappointments, cultural exchange programs are making headway. In 1957, more Soviet citizens came to this country on scientific and cultural missions than in any previous year: 132 as against 122 Americans who were given permission for similar missions to the USSR.

Last year, too, the Soviets admitted between 2,000 and 3,000 American tourists and inquiries have been made about the possibility of Russian tourists being allowed to visit here. (At least 10,000 selected Russian tourists visited Western Europe and an even larger number of Western tourists visited the Soviet Union.) This is a development that needs to be encouraged. But it is inconsistent to push scientific and cultural exchange missions, while maintaining what is in effect a general trade boycott which probably irritates such allies as West Germany and Britain more than it irritates the Russians. And we could use the business.

The "Use" of Culture

In his usual column in this issue, Maurice Grosser comments sharply on the State Department's new policy of decorating its embassies and legations with reproductions of American paintings. As a painter and critic, Mr. Grosser is offended by the deep indifference toward artists which is reflected in this facsimile publicity—the State Department wants to "use" culture, but it has not enough real admiration for it to show the real thing.

This "using" of American culture is one of the new vulgarities of the cold war. A weapon has been discovered and it is being exploited without taste or judgment. Thus pianist Van Cliburn, who won a genuine triumph in Moscow, is being handled as though he were the answer to sputnik. *Time* gave him the cover of its May 19 issue, with the absurd banner head, "The Texan Who Conquered Russia," and New York organized a ticker-tape parade for him on his return here May 20. The inappropriateness of this hysterical reaction to the overseas success of a very promising young American musician apparently occurs to no one, and no one cares that the screams of joy and the bewildering flood of commercial offers may ruin the career of a 23-year-old performer. He "showed" the Russians, and now we're going to beat them over the head with our young genius.

But if the ballyhoo for Cliburn is tasteless and bespeaks a lack of sophistication that must make Europeans smile, the ballyhoo for the movie version of *The Brothers Karamazov* at Cannes was plain ignorant. Any competent movie critic (including the critic for *The Nation*) could have told the State Department to keep this travesty of Dostoevski's great work as far from the Cannes Festival as possible. But our public relations officers not only presented the picture but dragged its stars, Claire Bloom and Yul Brynner (the latter by military air transport) to the shambles. Miss Bloom and Brynner were applauded before the performance; after it they were snubbed, the victims of

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the American idea that enough gall will carry the day.

The sad thing about all this is that we really know better. For some time now American artists and organizations of genuine ability have been appearing in foreign lands, also under State Department auspices and sponsored by ANTA, and have been winning solid respect and affection. The New York City Ballet, just one of these, has appeared in most of the principal cities of Europe, more recently in Japan and is currently in Australia. The New York Philharmonic, under Leonard Bernstein, is touring South America and has enjoyed receptions in Quito and Lima that may do something to counteract the repercussions of the Nixon tour.

It is not wrong—it is eminently right—to present our most distinguished artists abroad and to take pride in them. What is wrong, as always, is to use them as gimmicks and to assume that peoples abroad will be taken in by the noise we make beating our own drums.

Putsch in Algeria

Paris, May 15.

What happened Tuesday night in Algiers was the inevitable result of more than two years of French governmental policy—a policy suggesting that Paris was chronically under orders of the Army and the European extremists in Algiers. The rot began on February 6, 1956, when Socialist Premier Mollet surrendered to pressure from the Algiers mob and abandoned a Republican Front program for peace in Algeria.

Major General Jacques Massu's *putsch* followed logically upon previous experiments by which it had been found that Paris invariably accepted decisions made by the Algiers extremists—the February, 1956, rejection of a peace policy; the October, 1956, sabotage of Tunisian-Moroccan mediation through kidnaping of the Algerian negotiators, the more recent Sakhiet *fait accompli*. All moves toward a more moderate policy have invariably been wrecked in Paris by the right wing of the government majority.

The last such wrecking was the overthrow of Galliard, who committed the crime of accepting U.S. Undersecretary Robert Murphy's proposals for concessions to Tunisia. Pflimlin's variant of entering into negotiations with the rebels from a position of strength and possibly resorting to the good offices of Tunis and Morocco was equally unacceptable to the extremists, who expected that a *putsch* in Algiers at the moment when Pflimlin was presenting his government to a half-hearted Parliament would inevitably lead to Pflimlin's rejection, even though the country had been without a government for almost a month. The heartening fact, however, is that the effect has been exactly the opposite. General Massu, who leads the paratroopers in Algiers, and who is notorious for restoring order by the most doubtful means, often by brutal torture of which the Alleg case is the most striking example, had miscalculated the mood of the French Parliament and public. He clearly expected that the Algiers *putsch*, besides assuring the rejection of Pflimlin, would lead to the formation of a French Committee of Public Safety under Soustelle, Duchet, Bidault and perhaps De Gaulle. The Algerian "Himmler" went so far as to cable President Coty an ultimatum demanding the formation of such a government. The emergence of the Algiers committee and the ultimatum to Coty had in Paris the instant effect of reviving a dormant republican defense mechanism that would tolerate no surrender to the Algerian *putschists*.

Pflimlin, proclaiming his determination to defend the Republic, was approved 274 votes to 129, the Communists significantly abstaining in the name of antifascism. Pflimlin, a tough Alsatian, gives an impression of single-mindedness and unwillingness to stand for any nonsense. It is noteworthy that the Algerian diehard, Soustelle, was placed under virtual house arrest in Paris after Massu had appealed to him to head the Algiers committee.

As an indication of the present temper of Paris, the militant right-wing organizations proved to be numerically weak and could muster only 6,000 for a march on the Assembly Tuesday night. These were dispersed after hard blows and numerous arrests by the police.

The great unresolved question is whether the *putsch* in Algiers was also planned for Paris and exactly what Bidault, Soustelle, Morice and the other Algerian intransigents who had demanded a Public Safety Government were planning. De Gaulle was in Paris on Wednesday, but he hesitated, and his subsequent declaration of a readiness to assume the powers of the Republic may have come too late. In any case, an extremist government in Algiers would make sense only if it were accompanied by a similar government in Paris. Otherwise a separatist Algiers might be abandoned by France and deprived of French aid.

Coty's peremptory order of Wednesday, demanding that Algiers subordinate itself to Paris, caused the greatest confusion in Algiers. Lieutenant General Salan, the commander-in-chief whose role has been dubious from the start of the crisis, appeared to submit, but Massu went through incredible contortions trying to "explain" that he had been carried away by the mob and had merely tried to avoid bloodshed. Although in 1955 France witnessed a rebellion of French generals in Morocco, this is a more serious case of attempted usurpation. However, the Paris reaction so far has been salutary. It now remains to be seen whether Pflimlin will choose to press a wholehearted republican defense or will attempt a half-hearted compromise with the army insurgents. A top inquiry is essential into the strange activities of Bidault and Soustelle; also of Lacoste who, while prophesying "a diplomatic Dienbienphu" and thus encouraging the Algiers *putsch*,

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has been playing an ambiguous role behind the scenes.

Whereas Algiers, Oran and other cities still seem controlled by extremist elements, the firmness in Paris is likely to prove decisive; the army will be obliged to carry out orders. Breaking the extremists' conspiracy may prove the first step toward a peaceful settlement in Algeria. By permitting the Socialists to enter the Pflimlin government in the name of republican defense, Mollet assumes the grave responsibility of not repeating the 1956 error of submitting to the reactionary will. The Algiers *putsch* has revealed the real nature of such "cooperation" and France has finally understood. Or one hopes so.

Alexander Werth

THE SUPREME COURT

Current Criticism in Perspective . . by Maxwell Brandwen

I

THE UNITED STATES Supreme Court owes its existence to the Constitution, but its appellate function —which represents, in practice, most of its work—as well as its composition, are dependent on the will of Congress. Yet Congress is the very body whose Acts are reviewed by the Court. A co-ordinate branch of government, the Court is, in many respects, the weakest branch; it has no power of purse, and even though it says what the law is, it depends on other agencies of government for the enforcement of its judgments. Yet, in some respects, it is the strongest, because it is charged with the responsibility of construing the Constitution—the supreme law of the land. It is the ultimate lawgiver.

It is, therefore, unavoidable that the Court, girt with such power, should be exposed to frequent attack. Indeed, hardly a decade has passed without violent agitation over its decisions since it was established in 1791. The rash of criticism rose or fell synchronously with the degree of public interest in the decisions. At times the attacks on the Court were so serious that some jurisdictional powers were taken away from it for a brief period. Even its size was manipulated by Congress to meet particular political exigencies. At times, the attacks became so virulent and widespread that it seemed the institution would never regain its prestige and public confidence. But despite perennial controversy and disagreement, the Court's independence, jurisdiction and authority have been fully maintained. It is a great tribute to the wisdom and restraint of Congress that this is so. Perhaps Congress' general *laissez faire* policy may be due to the realization that the Court sooner or later somehow catches up with the political thinking of the large majority of the people. Indeed, at times the Court may actually spur the thinking of the popular majority. In the long run, the views of the Court and of informed public opinion tend to harmonize.

Recently there has been a marked revival of attacks on the Court because of its decisions during the past term. One Senator called for the impeachment of the Justices. Another termed the Court "a great menace to the country." A third called it "a politically motivated Court" and one which sought "to impress purely personal views on our social structure." Another suggested that the Justices submit to the necessity of reconfirmation from time to time. Still others demanded reconstruction of the Court and restriction of its jurisdiction. Within the last month, a Senate committee, by a divided vote, approved a bill which would restrict the power of the Court in several directions.

Criticism has not been confined to Congress. It has been suggested that the power to appoint Justices be taken away from the President. A newspaper columnist proposed investigation of the judges' law clerks, alleging that they play a significant role in the authorship of the Court's opinions. A cartoonist depicted one man saying to another: "What this country needs is a *Supreme* Supreme Court."

Surprisingly enough, sharp criticism came from dissenting members of the Court itself. One charged the Court with a "mischievous curbing of the informing function of the Congress" and with "a lack of understanding of the problems facing . . . [Congressional] committees." He also said that the Court's decision in the particular case involved would virtually cause government law-enforcement agencies to "close up shop" and would afford criminals "a Roman holiday." Another Justice charged the Court with "unacceptable intrusion" into matters which properly are within the purview of the states themselves. And a federal judge in South Carolina said that the Court "has been construing the Constitution so as to make it a protective shield for the criminally disposed and disloyal elements in our population." (Let there be no misunderstanding: the Court has had its defenders, too, who have hailed it for its sinewy courage.)

Since this is by no means the first time that the Court, as an institution, has been assailed, one may be tempted to ask how these attacks compare with those of the past. Are there elements common both to the earlier decisions which

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aroused controversy, and the current crop? And, going back into history, it would be particularly illuminating to compare what contemporary critics were saying with the subsequent objective judgment of legal historians. But before delving into the past, let us examine briefly some of the recent decisions which have aroused fury. This is particularly desirable, since there has been considerable confusion and misunderstanding—if not outright ignorance—as to what the Court has actually decided.

II

LET US FIRST examine the *Jencks* case, perhaps the most publicized of the recent decisions. Jencks was an officer of a labor union who was convicted of falsely swearing that he was not a member of, nor affiliated with, the Communist Party. At the trial, two Communist Party members, who were also undercover agents for the FBI, testified that Jencks participated in various Communist Party activities. They also testified that they had reported regularly to the FBI upon party activities and meetings while these were fresh in memory. The accused, in an effort to discredit this crucial testimony, asked the trial judge to examine the contemporaneous reports, hoping or believing that they would disclose a material difference from the witnesses' testimony in open court. The lower courts denied his requests. (Incidentally, one of the witnesses, Matusow, subsequently recanted as deliberately false the testimony given by him at the trial.) The Supreme Court reversed the conviction and ordered a new trial. The Court held that the reports must be made available to the accused for his inspection so that he might determine whether there was any basis for impeaching the testimony of the witnesses.

The case posed the difficult problem of balancing divergent public interests. On the one hand, there is a public interest in protecting the free flow of information to law-enforcement bodies by preserving secrecy. On the other hand, there is a public interest in assuring every accused individual of a basic right fully to prepare his defense—that is, in giving him a fair trial. The Court decided that a fair trial was more in the public interest than secrecy.

Criticism of this decision was aggravated because the Court gave the accused more than he had asked for. He had requested only that the trial judge make a preliminary examination of the reports; he had not insisted on his own right to do so.

From the cascade of press comment, one would have supposed that the Court had announced a startlingly revolutionary doctrine. Quite the contrary. It is an old, well-established rule of law that a party to any litigation may discredit the testimony of an opposing witness. This traditional right is of paramount importance in a criminal trial. Common sense and experience suggest that what one records soon after he hears or sees something is more likely to be true than what he says he remembers at a trial some years later. And to compare a witness' earlier written statements with those he gives in open court is one of the most effective means developed over the centuries for testing the truthfulness of his testimony. In the *Jencks* case, the Court permitted such examination and comparison. That is the core of its decision.

One statement by Justice Clark—the sole dissenter in the case—merits special comment. He said: "Unless the Congress changes the rule announced by the Court today, those intelligence agencies of our Government engaged in law enforcement *may well close up shop*, for the Court has opened their files to the *criminal* and thus afforded him a Roman holiday for rummaging through confidential information as well as vital national secrets" (emphasis added). The charge that the decision permits "rummaging through . . . vital national secrets" appears far-fetched; the decision limited the right of inspection to *reports only of those witnesses whom the government itself called at the trial.* Yet Justice Clark's statement, perhaps even more than the decision itself, furnished ammunition for the ensuing fulminations.

Moreover, when Justice Clark said that law-enforcement agencies "may well close up shop" as a result of the decision, he may have been rather hasty in administering the hemlock. The influence, resourcefulness and durability of these agencies are almost legendary.

Probably as good an answer as any to Justice Clark's imaginary horribles was given in 1882 by Justice Miller, one of the ablest judges to grace the Court. He said:

> Hypothetical cases of great evils may be suggested by a particularly fruitful imagination in regard to almost every law upon which depend the rights of the individual or of the Government, and if the existence of law is to depend upon their capacity to withstand such criticism, the whole fabric of the law must fail. (*United States v. Lee.*)

The recent legislation pertaining to demands for the production of statements and reports of witnesses, which was rushed through Congress after the uproar over the *Jencks* decision, did not affect the basic conclusions of the Court.

UNTIL RECENTLY, there was considerable criticism of the manner in which the Congressional investigatory power was being exercised. According to critics, investigations ran riot and witnesses became subject to tyrannical treatment. Not infrequently, the rights of individuals were denied, ostensibly in the name of national security, but in reality for partisan political advantage. At times, investigations were transformed into legislative trials without judicial safeguards.

On the other hand, there were those who sincerely believed that, despite regrettable excesses, the security of the nation demanded unfettered legislative investigations. They asserted that, if the Communist menace is not so serious today, it has been due to such broad and aggressive investigations.

Although many of the earlier abuses were being steadily eliminated, and the anti-Red hysteria was slackening somewhat, the problem of the proper bounds of legitimate inquiry still remained to be fixed, and it was with this issue that the Court

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grappled in *Watkins* and *Sweezy*.

In the *Watkins* case, the accused, a union officer, was convicted of contempt. He had testified freely about himself before a Congressional subcommittee on un-American activities, admitting that he had freely cooperated with the Communist Party, but denying that he was, or ever had been, a card-carrying member. At the same time, without pleading the Fifth Amendment, he had refused to answer questions about anyone who, to the best of his knowledge, was no longer a member of the party. He had insisted that such questions were not relevant and were beyond the authority of the subcommittee. The Supreme Court reversed his conviction on the ground that the scope of the inquiry had not been defined by Congress with sufficient clarity to enable the witness to determine—at the time of the questioning—the pertinency or the relevancy of the questions.

Chief Justice Warren, who wrote the Court's opinion, said:

> It is unquestionably the duty of all citizens to cooperate with the Congress in its efforts to obtain the facts needed for intelligent legislative action. . . . Accommodation of the Congressional need for particular information with the individual and personal interest in privacy is an arduous and delicate task for any court. . . . We cannot simply assume, however, that every Congressional investigation is justified by a public need that overbalances any private rights affected. To do so would be to abdicate the responsibility placed by the Constitution upon the judiciary to insure that the Congress does not unjustifiably encroach upon an individual's right to privacy nor abridge his liberty of speech, press, religion or assembly.

Justice Clark—again the sole dissenter—wrote another stinging opinion in support of wider scope and powers for Congressional investigating committees. He charged the majority of his colleagues with a "mischievous curbing of the informing function of the Congress" and with a "lack of understanding of the problems facing such [Congressional] Committees."

Whether the judicial requirement of greater Congressional clarity in defining the scope of its investigations will, in fact, impede these inquiries in the future is far from clear. Certainly, there is nothing in the opinion of the Court which compels that conclusion. The Court faithfully respected Congressional jurisdiction. The requirements it laid down need not interfere with the quest for information necessary to enable Congress effectively to discharge its responsibilities. If witnesses are to be punished for contempt of Congress for refusing to answer questions, is it unreasonable to ask that body to say more clearly what it wants to find out?

The *Sweezy v. New Hampshire* decision was rendered the same day as *Watkins*. Since the Court treated it much like the *Watkins* case, it would not merit special discussion here except for the noteworthy concurring opinion of Justice Frankfurter. Sweezy, the accused, was a lecturer at the University of New Hampshire. Summoned to appear before the state attorney general—who was acting as a one-man legislative committee—he denied that he had ever been a member of the Communist Party or that he had ever knowingly associated with Communists, or that he had ever been part of any program to overthrow the government by force or violence. But he refused to answer questions concerning the Progressive Party. He also declined to answer questions about the contents of a lecture he had given to a class at the university, maintaining that the questions were not pertinent to the inquiry. The New Hampshire courts ordered him jailed until he answered. The Supreme Court reversed the judgment. This time there were two dissenters: Justices Clark and Burton.

The Court majority, following the pattern of the *Watkins* decision, held that the legislature of New Hampshire, in delegating the task of inquiry to the attorney general, failed to define with sufficient clarity the character of the information it desired. Justices Frankfurter and Harlan went even further than their concurring colleagues, holding that the questions put to Mr. Sweezy infringed upon the constitutionally-protected academic and political freedoms. In the course of his forthright opinion, Mr. Justice Frankfurter said:

> For society's good—if understanding be an essential need of society—inquiries into these problems [social sciences], speculations about them, stimulation in others of reflection upon them, must be left as unfettered as possible. Political power must abstain from intrusion into this activity of freedom, pursued in the interest of wise government and the people's well-being, except for reasons that are exigent and obviously compelling.

THE ISSUE OF personal political opinions and engagements was also presented in two cases which related to the qualifications for, or restrictions on, admission to the bar. The first was *Schware v. Board of Bar Examiners of New Mexico*. The petitioner, a World War veteran, had been denied the opportunity to qualify for the practice of law in New Mexico because of membership, some fifteen years earlier, in the Communist Party. The undisputed evidence showed him to be a man of high ideals with a deep sense of social justice. The Court unanimously held that a denial of the applicant's right to take the bar examination was a denial of due process.

A companion case was *Konigsberg v. State Bar of California*. The Committee of Bar Examiners of that state refused to certify the petitioner to practice law because he had refused to answer questions as to whether he had ever been a member of the Communist Party. He did state categorically that he did not advocate the overthrow of the government by force or violence or other unconstitutional means. Forty-two individuals who had known him at different times during the preceding twenty years — including two clergymen — attested to his excellent character. Not a single person testified that his moral character was bad or questionable in any way. The Court held that exclusion of the petitioner from the privilege of practicing law violated due process of law. The inference of bad moral character from his refusal to answer questions about his political affiliations and opinions was unwarranted, the Court decided. This time three Justices dissented: Harlan, Clark

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and, on a technical ground, Frankfurter.

In the course of his opinion for the Court, Justice Black said:

> A bar composed of lawyers of good character is a worthy objective but it is unnecessary to sacrifice vital freedoms in order to obtain that goal. It is also important both to society and the bar itself that lawyers be unintimidated—free to think, speak, and act as members of an independent bar.

Two other cases may be briefly noted: *Yates v. United States* and *Mallory v. United States*. In the former case, fourteen Communists were convicted of conspiring to advocate and teach the forcible overthrow of the government. The Court directed the acquittal of five defendants because it believed the evidence against them to be plainly insufficient. It directed a new trial for the remaining nine defendants mainly on the ground that the trial judge's instructions to the jury were defective. There are those who believe that this opinion restricts somewhat the scope of prior Court decisions which had upheld the conviction of Communists. But here again, no novel doctrine of law was announced. The Court held that the traditional criteria indispensable for finding guilt were not satisfied in this particular case.

In *Mallory v. United States*, the Court unanimously reversed the conviction of a self-confessed rapist. The reversal was based on the unreasonable delay between the time of interrogation by the police — when the confession was obtained— and the arraignment before a commissioner, when the suspect was finally informed of his legal rights. No crime is so base as to warrant depriving an accused of his legal rights.

THESE, in brief, are the major decisions which have subjected the Court to the recent barrage of invective and opprobrium. (The school segregation cases are not included because they were decided more than three years ago and the criticism was largely of a sectional character.) Essentially they all involved the problem of accommodating the interests of established authority (federal, state and law-enforcement agencies) with the rights and privileges of the individual. They express again the "old conflicts between liberty and authority—between the central government and its constituent members." In these cases, the Court moved the pendulum a bit in the direction of the individual, but in none of them did it announce any novel doctrines of law.

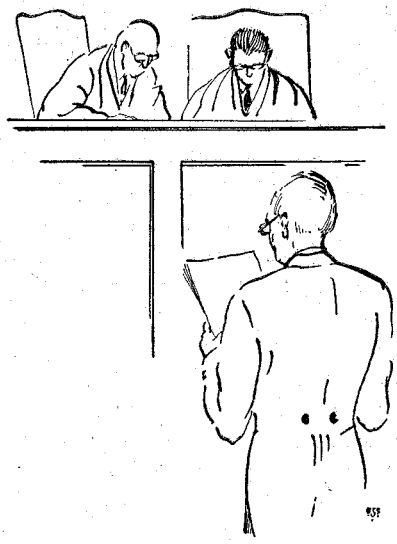
Why did so many controversial decisions come in such swift succession? It is understandable that, in the rapidly changing period following World War II, many problems should arise involving serious and difficult Constitutional issues. The forms of power were changing and multiplying. (An example was cited by Chief Justice Warren in the *Watkins* case: "There appeared a new kind of Congressional inquiry unknown in prior periods of American history.") Government became more conscious of threats of subversion and legislatures became more agitated by the need for drastic defensive action. It was natural that some aggrieved individuals would resist such measures and take their complaints to the Supreme Court. The period of incubation of these issues ended at about the same time.

III

NOW LET us turn back the pages of history and deal with some of the decisions in the past which evoked bitter criticism, jeopardizing for a time the position of the Court.

Probably the best known and most significant was the *Dred Scott* decision dealing with the status of a former Negro slave. Scott was a slave who had been taken by his master to a state in which, under the applicable law, he acquired the status of a free man. However, when he was taken back to a slave state, the Court refused to recognize his claim as a free citizen. The Court went beyond the requirements of the case and, in a partisan decision, dealt a shattering blow to its own reputation and to whatever faint hopes remained of avoiding the Civil War. Human passions had been fanned to so intense a flame that they defied reasonable measures of control.

The next decision warranting attention grew out of the Civil War. It involved one Milligan who in 1865 was convicted by a military commission in Indiana of aiding the "rebels" and inciting insurrection. He was sentenced to be hanged. The Court, in 1867, unanimously reversed the conviction, holding the military commission to have been unlawful. The majority of the Court, however, went farther and ruled that neither the President nor Congress had the power to establish such military commissions, except in the actual theatre of



war, where civil courts were not open. Writing the opinion for the majority, Justice Davis—a personal friend and appointee of Lincoln—said: "The Constitution of the United States is a law for rulers and people, equally in war and in peace, and covers with the shield of its protection all classes of men, at all times, and under all circumstances." Constitutional provisions cannot "be suspended during any of the great exigencies of government," he went on. "Such a doctrine leads directly to anarchy and despotism." These words, uttered ninety years ago, have even greater meaning today.

Yet that decision set off violent explosions. There was an outcry for the impeachment of the Justices and for the reconstruction of the Court. The scurrilous charge was made that "treason . . . has at last found a secure shelter in the bosom of the Supreme Court." (How strikingly

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like the charge recently made by a federal judge that the Constitution has been made "a protective shield for the criminally disposed and disloyal elements in our nation.") Yet this decision has been recognized for so long as one of the most glorious landmarks of American liberty that it is difficult now to comprehend the storm of abuse which burst upon the Justices who made it. Here is a dramatic example of the sobering effect of time and reason.

In 1882, the Court (in *United States v. Lee*) held that the government could be sued when its officials are not in lawful possession of property. The property involved in that case originally belonged to the family of General Lee; the decision was in favor of the Lee family. This decision, too, aroused great passion—and it, too, is accepted today as another great contribution to individual rights. And the government has not been perceptibly weakened thereby.

In 1884, in *Juilliard v. Greenman,* the Court sustained the right of Congress to make U.S. Treasury notes legal tender in peace as well as in war. The decision was vehemently denounced; it even led to repeated resolutions in Congress for a Constitutional amendment to restrict Congressional power to issue legal-tender notes. Today there are few who would disagree with the fundamental soundness of the Court's decision. It is difficult to imagine the dynamic economic growth of our country had Congress been deprived of its power to expand the money supply.

THESE CASES are just a few examples of the triumph of the Court over contemporary criticism. They also point up the paramount need for an independent judiciary freed from political pressures.

But history has not vindicated all of the Court's controversial decisions. For example, three decisions made 1895 an unhappy year for the Court. In the first, *Pollock v. Farmers Loan,* the Court held unconstitutional a federal tax on various types of income; in the second, *United States v. Knight,* the decision unwarrantedly held that a combination of corporations, refining sugar which was sold all over the country, was not engaged in interstate commerce and, therefore, was not subject to the restrictions of the Sherman Anti-Trust Act (this was the first case under that Act); the third was the *Debs* case, growing out of the Pullman strike, in which the Court upheld an injunction restraining Debs and others from obstructing trains engaged in interstate commerce.

These three decisions, in one term, led to another storm of denunciation. The Court was charged with undoing all the good that it had "done in seventy years." It was accused of favoring the influential "propertied classes." The *Debs* decision led to the insertion of a plank in the platform of the national Democratic Party in 1896 denouncing government by injunction. The *Pollock* case accentuated the demand for restricting the Court's power to nullify acts of Congress.

The Court, as usual, sat tight and let the storm blow over. Today, the *Pollock* case is primarily of historical interest because of the subsequent adoption of the Sixteenth Amendment—the income-tax Amendment. Ten years later, the Court overruled its holding in the sugar-refining case. And subsequent legislation dealt with problems akin to those in the *Debs* case.

The country was growing and the voice of labor was beginning to be heard throughout the land—including legislative chambers. But the Court's ears were not yet attuned to these changing economic and social tunes. So we find, in the decade 1905-1914, the Court handing down four decisions which evoked bitter resentment from labor: in 1905, it held unconstitutional a New York state law limiting the working hours of bakers to ten per day *(Lochner v. New York);* in 1908, it held that the boycott of the Danbury hatters was illegal and was prohibited by the Sherman Anti-Trust Act. *(Loewe v. Lawler)*; the same year, it held unconstitutional an act of Congress prohibiting railroads from discriminating against union labor *(Adair v. United States);* in 1914, it held invalid a Kansas law forbidding employers to require employees not to join, or to remain, in a labor union *(Coppage v. Kansas).*

Labor was stunned by these decisions. The Court was accused of bias against labor and an apparent blindness to, or a shriveled conception of, changing conditions. Loud demands were renewed to curb its assumed power to declare legislative acts unconstitutional. However, the Court's plasticity ultimately reasserted itself, and in subsequent decisions the dissenting opinions in these cases prevailed. The legislative enactments of New York, Kansas and the Congress, then held unconstitutional, would be fully sustained today. The Danbury hatters decision was modified by subsequent Congressional legislation.

SOME twenty-five years later, we come across another group of cases which evoked bitter protests. In the period 1933-1936, about a dozen acts of Congress—an integral part of the public-welfare program of the New Deal—were declared unconstitutional. That period gave birth to the most spectacular example of nullification of acts of Congress in the history of the Court. Despite formal professions to the contrary, the Justices seemed to believe that it was their responsibility to review the wisdom of particular legislation, and in these particular instances, they seemed intent on limiting national power by a framework congenial to a much earlier period in our economic development. But beginning in March, 1937, and without any changes in personnel, the Court began a process of reversing itself with unprecedented rapidity and—perhaps somewhat to its own embarrassment—sanctioned legislation basically similar to that which it had only recently condemned. How much of the reversal was due to the landslide national election in 1936 (with the mandate for greater emphasis on public welfare), and how much was due to the recognition by the Justices of the need for subordinating their own economic and social thinking, is difficult to measure. And the reader need not be reminded that the Court's wholesale striking down of New Deal legislation led to the abortive "Court-packing" plan proposed by President Roosevelt in 1937. Supporters of the President's

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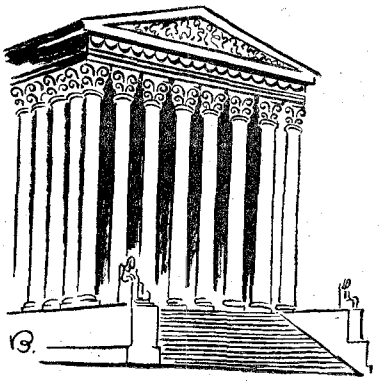

plan resorted to many of the arguments which had repeatedly served critics of the Court in the past.

Thereafter, the Court was relatively free from bitter attacks until its unanimous decision in 1954 condemning segregation. True, in the interim there were those who accused the Court of timidity in refusing to hear cases which grew out of the aggressive exercise of the Congressional investigatory power, but these criticisms were relatively mild.

WHAT CAN we gather from this brief review of controversial decisions? First of all, we find that the criticisms and the proposals to limit the Court's powers remained much the same over the years. They served critics of differing points of view—Republicans and Democrats, conservatives and liberals, businessmen, labor and farmers. Sometimes the criticism was effective; sometimes not. Occasionally, decisions became more deeply enshrined and respected with the passage of time; on the other hand, some were reversed by the Court itself in later decisions. The dissenting minority view of an earlier day occasionally became the prevailing majority holding of a later day. This phenomenon is an integral part of the process of peaceful and intelligent change which is the very life blood of democracy. But the Court's undulant course is not quite so haphazard as one might be led to suppose. There is an underlying pattern which becomes apparent under careful scrutiny.

What is the pattern? For one thing, a *unanimous* decision of the Court is rarely reversed, particularly if in reaching it the Court has confined itself to the issues imperatively before it. Particularly noteworthy is the fact that rarely has a case been reversed (despite the degree of criticism) which protected the rights of the individual. One may venture to say that rare is the decision which has not stood the test of time *if it served the social welfare.* The commonest example of reversals, on the other hand, involved those cases where the original decisions exalted authority above individual rights and which thwarted legislative attempts to further the social welfare.

This is the general pattern which explains the prestige of the *Milligan* case and which accounts for the subsequent reversal of the group of cases in the 1905-1914 and 1933-1936 periods. The Court's responses may not always be as swift as many would like, but, despite all its vagaries, it finally recognizes that ours is, after all, a government for the people. As Lincoln's friend, Justice Davis, said: "The Constitution . . . covers with the shield of its protection all classes of men, at all times, and under all circumstances."

IV

ARMED WITH these touchstones, let us revert to the decisions of the immediate past. Whether these decisions will be found to exemplify penetrating insight, large wisdom and balanced, impartial judgment, whether they will occupy a lofty place in the judicial pantheon, whether they will have brought sanity and sobriety to a disturbed age, whether they will prove to be glorious landmarks on the road to liberty —must be left to the judgment of time. There will undoubtedly be an outpouring of learned articles in scholarly journals about these decisions for many years to come, long after present passions subside.

There are those who say that the Court has gone too far in coddling the individual; the rights of the individual, they argue, must be subordinated to the greater welfare of the nation. There are others who say that the Court's restoration of the basic principles of individual dignity and liberty was long overdue. To them, these recent decisions are redolent of the glorious past—and symbolize a rebirth of faith.

There is considerable ground to believe that these decisions, *in their major aspects,* will remain solidly embedded in our jurisprudence. Of course, the landscaping of the decisions will undoubtedly be improved: a bit of pruning and paring here and there, a rough spot smoothed out, a gap filled in, a border more sharply trimmed. That is the customary fate of many judicial decisions.

The conclusion that basically these decisions will stand the test of time seems warranted by the vivid recognition of the rights of the individual which spreads through their warp and woof. Sensitive regard for high ethical values permeates every cranny of the opinions. The decisions are in harmony with the traditional spirit of our country and show a sensitive regard for high ethical values. James Madison said: "Independent tribunals of justice . . . will be naturally led to resist every encroachment upon rights expressly stipulated for in the Constitution." The Constitutional liberty and dignity of the individual are probably the most cherished tenets of our people. Our Courts are entrusted with their maintenance. Chief Justice Marshall pointed out that the law manifests a "tenderness for the rights of the individual." That this may not wither into an empty phrase is the never-ending task of the judiciary. In retrospect, one may confidently say that the Court's finest hours were those in which it upheld and even extended the traditional rights of the individual. The preservation of our democratic system of government demands that the Court act as the knight-errant of individual Constitutional rights. People may differ as to whether there is as much freedom in our country as there was some seventy-five years ago, but few will deny that the forces opposed to freedom are better organized today than they have been for some time.

It is also to be noted that the recent decisions were rendered by solid majorities, not by the bare majorities which characterized many controversial decisions that have failed to stand the test of time. In addition, these were cases which the

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Court did not go out of its way to decide, as has happened in occasional memorable cases in the past. Moreover, the Court was keenly aware of the gravity of the issues before it. Again quoting Chief Justice Warren in the *Watkins* case: "We approach the questions presented with conscious awareness of the far-reaching ramifications that can flow from a decision of this nature." While, with few exceptions, the opinions are not characterized by soaring flights of eloquence—the phrases do not always catch fire—they show the marks of profound deliberation. Another point in favor of their survival is that they do not reflect sectional or political attitudes of particular Justices. Three of the present Court were appointed by President Roosevelt, two by President Truman and four by President Eisenhower. These men come from different parts of the land and from different backgrounds —political, academic and judicial. That fact should help dispel the notion, wherever entertained, that their political attitudes had any bearing on their decisions. And there are men on the present Court of exceptional intellectual capacity.

WHY, THEN, has there been such commotion about these decisions? It is because they deal with the age-old struggle between the individual and constituted authority. Striking a proper balance in that conflict is a most difficult task. It necessitates, as Justice Frankfurter says, "the exercise of impersonal judgment" buttressed, as far as is humanly possible, by historically-tried values. One may read and reread the Constitution from beginning to end, pore over the thousands and thousands of pages of judicial decisions, ponder the analyses of the countless scholars who have written on these matters, without finding a ready-made formula or a precise guide which would enable the Court to decide as between the rights of the state and the rights of the individual. Some matters are beyond the compass of explicit definition.

Since the Constitution does not interpret itself, judgment "in the end," as Justice Frankfurter says, "cannot be escaped." Once the issues are joined, a judge may not take refuge in an ivory tower of suspended judgment. The Supreme Court must judge and resolve even when a judgment would seem to tax the wisrom of a Solomon. That is the Court's peculiar burden, and the burden is made heavier in that the Justices must view each decision not as an isolated phenomenon, but as a part of a whole legal fabric.

Many cases come before the Court —more, probably, than are presented to any other judicial tribunal— which involve perplexing questions of ethics, public policy, competing values, conflicting pressures and other like considerations. Their resolution demands the best in legal analysis, historical knowledge, keen acumen in evaluating the relevant considerations, insight and, above all, a delicate sense of justice. Since such judgments cannot be correlated with some externalized proposition of logic or mathematics or scientific truth, critics are prone to say that the Court is acting legislatively or politically. But that verbalization does not make the Court's action improper or judicially inappropriate. On the contrary, all that the Court has done is to carry out the mandate of the Constitution. Some agency of government has to determine these questions and the Court (not Congress and not the Executive) has been selected by the Founding Fathers for that task.

It is inherent in democracy and Constitutional government that decisions of the Court, which involve the balancing of powerful conflicting interests, will prove disappointing to some. Decisions of high Constitutional issues cannot be expected to command universal approval —even assuming that to be a desirable consummation. Certainly, all courts do and should respect the powers of Congress, but if their decisions are to be determined by the degree of satisfaction or disappointment felt by certain segments of Congress, then we will have truly abrogated our system of government. Courts do and should genuinely support the efforts of law-enforcement agencies, but to expect them to accept as wise and just everything done in the name of law enforcement would constitute an abdication of the functions and responsibilities placed on the Court by the Constitution. It would spell the end of Anglo-Saxon judicial process. Neither pique nor notions of self-importance of public officials should be permitted to weaken the effectiveness of the Court itself as an institution of democracy.

When a Court has conscientiously grappled with thorny legal problems, when it has tilted at indifference and injustice, and when its decisions are almost unanimous, may not the Court and country rightfully expect full support from Congress and the Executive? In the circumstances, talk of modifying or limiting the jurisdiction of the Court is neither fair nor responsible. It appears clear, too, that before Congress approves any legislation presumably sparked by a decision of the Court, mature deliberation and calm assessment are indispensable to make sure that such legislation is in the best interests of the country. If, on the other hand, a decision of the Court is used as an inflated excuse for legislation which, on further reflection, may prove debatable, neither the Court nor the country is well served. The advisability of balanced restraint is fortified by even the briefest review of a few decisions in the past which, at the time they were made, provoked tempests of protest. Fortunately, the record of Congress in practicing that restraint is good.

IT DOES not follow that decisions of the Court must be treated as sacred. Sacrosanct treatment must be denied also to legislative and executive agencies. Said Justice Black in the *Konigsberg* case: "Courts are not, and should not be, immune to . . . criticism." Indeed, there must be unremitting and unrelenting informed criticism of judicial decisions. The reasoning of courts may be shown to be faulty. Their misreading or misinterpretation of precedents should be clearly pointed out. Their disregard of pertinent considerations must be disclosed. All this is essential for the health and soundness of the Supreme Court as an important facet of our Constitutional government. But to suggest impeach-

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ment of Justices because one doesn't like a particular decision or because it doesn't suit a particular geographical area, or to suggest that the Court is sabotaging the security of the country because a particular decision doesn't accord with the notions of a particular individual, however exalted he may be, is tantamount to advocating the end of government of laws. That is a frightening prospect and pregnant with the greatest danger to our country. There is a world of difference between contesting the soundness of a decision—that should be encouraged—and subjecting decisions to political control. One might take a leaf out of Abraham Lincoln's book. He condemned the decision of the Court in the *Dred Scott* case, but he did not allow himself the luxury of attacking the Court's integrity.

The Court, at times, undoubtedly has erred. The Congress, at times, has erred too. The intelligent judgment of a future day may correct an erroneous decision of today, but political control of judicial decisions might open the floodgates to all manner of evils which could be corrected only by the greatest sacrifices of human dignity and even of human life. History has shown that the Court is concerned with, and is capable of, correcting its own errors and that it has served its historic purpose in protecting individual liberties from over-zealous legislators and misguided Executive action.

The Justices of the Court, insulated as they must be from direct participation in public controversy, have remained silent in the face of attacks. But occasionally a Justice may allow himself the privilege of comment. Mr. Justice Holmes said in a lecture delivered in 1913: "It is very painful when one spends all the energies of one's soul in trying to do good work, with no thought but that of solving a problem according to the rules by which one is bound, to know that many see sinister motives. . . ." He continued with the following strong indictment: "The attacks upon the Court are merely an expression of the unrest that seems to wonder vaguely whether law and order pay. When the ignorant are taught to doubt they do not know what they may safely believe."

First Step Toward Disarmament . . *by Hubert H. Humphrey*

SEVEN months ago the Soviet Union launched the earth's first artificial satellite. This sputnik inspired dreams throughout the world of future explorations in space; but it also cast an ominous shadow on earth, for it demonstrated the Soviet determination and ability to perfect the ICBM, a missile which could carry a nuclear warhead from one continent to another.

The shock of the Soviet launching had repercussions which were in large part beneficial and which I hope will not die out now that we too have successfully launched earth satellites. The Soviet sputniks propelled us into a re-examination of our educational systems and scientific endeavors which may result in a renaissance of intellectual efforts. On the defense front, we were given ample proof that defense needs should be determined primarily by the threat rather than by the requirements of a balanced budget. To those hoping for progress toward disarmament, however, the reaction to the sputnik launching at first glance appeared unfortunate, for it gave a fresh impetus to the arms race.

Our security system at the present time is built on the ability to retaliate effectively against, and thus deter, any attack. As long as the Soviet Union chooses to increase its capacity for attack, we have no choice but to continue to strengthen ourselves militarily and plug important loopholes in our defense system.

Many have asked me whether we could seriously demand greater progress toward disarmament at the very time when we were also demanding greater progress in missiles. My answer to this is not only that we can, but that we must.

A SECURITY system based on massive strength, a "balance of terror," is not satisfactory as a permanent security system. It is extremely wasteful of money, talent and energy. We cannot help but deplore the vast expenditure of funds and effort for weapons that become outdated almost as soon as they are in production and that we hope will never be used. How much better if we could use the resources for urgently needed schools, houses, hospitals, roads, libraries, laboratories and aid to underdeveloped countries.

An even stronger objection to our deterrent policy is that it simply does not provide real security. No matter how far our rockets can travel or how many nuclear warheads we have, a terrible risk remains. If the deterrent fails, it means a nuclear war in which most of the people of this country and the Soviet Union would probably perish, and residual radiation would threaten the safety of survivors and their posterity throughout the world.

During the seven months immediately following the sputnik's launching, disarmament negotiations were in great jeopardy. Talks within the United Nations broke down when the Soviet Union vowed it would not continue with them until the United Nations agreed to the Kremlin's version of a reconstituted Disarmament Commission. The United States and the Soviet Union each proposed negotiations at levels which were unacceptable to the other. The anxiously waiting world did not see how the cause of peace could be advanced in such an atmosphere.

The outlook for negotiations is

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only slightly more hopeful now, and many questions are yet to be resolved. But whatever the form, whoever the participants, there are certain qualities which the United States can demonstrate if it wishes to help create an atmosphere in which negotiations can be conducted.

One of these qualities is flexibility. When one policy has been given a reasonable trial without success, then we should search for an alternative. To maintain that a policy which was valid five or six years ago must necessarily still be valid today, is pure nonsense. Our mentalities have got to be flexible enough to adjust to evolving reality.

The adoption of a much more positive attitude by us could also improve the atmosphere. No government, least of all the government of the United States, should be negative about the possibility of limiting the arms race. Proposals of the Soviet Union should not be lightly or impatiently brushed aside, even when they are exasperatingly rigid or unreasonable. The densest armor has chinks and it is the task of statesmanship to find them.

One of the few diplomatic victories which the United States has scored in recent months came as a result of demonstrating some flexibility and positive thinking. I refer to our timely proposal for mutual aerial inspection of the Arctic, in response to Soviet complaints of the flights of the Strategic Air Command in the area. The Soviet veto of this proposal indicated to the people of the world that the Soviet Union is just as capable of responding negatively to disarmament proposals as is the United States.

The lack of respect for its bonded word which Moscow has shown time and again necessitates another quality on our part, prudent caution. I do not think we should become so skeptical of the Soviet record that we refuse to deal with her. Even Russia keeps some of its agreements —for instance, the Peace Treaty of 1947 with Finland and the Austrian Peace Treaty. The key to making effective agreements with the Kremlin is to confine them to those situations where it is to the interest of the Soviet Union, as well as to the United States and other countries, to keep the agreement. If we exercise prudent caution we will not endanger ourselves.

In regard to disarmament, prudent caution requires that we should not jeopardize our security by putting our signatures to any agreement that depends on good faith alone for its fulfillment. Adequate inspection must be provided for wherever appropriate to make discovery of violations so certain that they would not be attempted.

THIS does not mean that an inspection system must be absolutely perfect. I do not believe we can hope to establish a 100 per cent foolproof inspection system. Among human beings, very little can be that certain. However, I believe that with respect to many arms-control measures we can establish an inspection system which would make the probability of detecting violation so great that the Soviet Union would abide by the agreement rather than risk the ignominy of being caught cheating. Moreover, we should always remember that any inspection system established in the Soviet Union would be a tremendous step toward raising the Iron Curtain. It could pave the way, not only to additional inspected disarmament measures, but also to a general "opening up" of the Soviet Union and to greater mutual understanding. Despite Russian assertions that inspection is really intelligence and thus proposed for purposes of spying, could there be any better political break-through than to conclude a first-step disarmament agreement with inspection safeguards?

Right now we should concentrate our efforts on making that first step. If we really want to base our security system on armaments control rather than on armaments alone, we must recognize that a task of such complexity cannot be achieved overnight or all at once. The most we can hope for at this time is to make a beginning. In fact, unless we concentrate on reaching agreement on a small first step, we shall make no progress at all.

For some time this country has talked of offering so-called "first step" proposals. In practice, however, we have not been able to abandon our "get rich quick" dream. Instead of proposing first steps which would be feasible, we have put forward measures which, when coupled with the elaborate inspection systems necessary to assure their observance, were so far-reaching as to be virtually unattainable.

For example, the Western proposal for a first-step disarmament agreement offered at the London Disarmament negotiations included various nuclear-control measures, an inspection system to provide against surprise attack, a reduction of armed forces and the transfer of some armaments to international depots, and the establishment of a committee to study ways to insure that objects sent into outer space would be used exclusively for peaceful purposes. All the measures were tied together in such a way that each proposal was contingent on acceptance of all the other proposals.

To expect the Soviet Union to accept a package such as that as a "first step" would be like expecting a baby to take its "first step" two days after birth. Since it would be excessively optimistic to press for agreement on our total disarmament hopes all at once, I have suggested that the package be broken up into small parcels and presented bit by bit. The support I have received for this approach from the American people is overwhelming.

One of the most meaningful measures, and one which would prove

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our earnest desire for disarmament, is the suspension of nuclear-weapons tests, with inspection on both sides. Public opinion throughout the world favors stopping the tests in order to check the rising level of radioactive fallout in the atmosphere. Suspension of tests would also be an effective measure of arms control. It would freeze or retard nuclear weapons development in those countries which have produced live weapons—the United States, the Soviet Union, and the United Kingdom. Since we have been assured that we are not behind in nuclear weapons technology, a test ban should not be to our disadvantage. It would retard, and I hope prevent, the spread of nuclear weapons production to other countries. Otherwise, the day is certain to come when these lethal devices will fall into many hands which by accident, irresponsibility, or malevolent intent might trigger off an Armageddon.

Adequate assurance that the Soviet Union was observing a test-suspension agreement would require monitoring stations within the Soviet Union equipped with seismographs, microbarographs, and radiation-measuring and other equipment, but it would not require much intermingling of inspectors with the Soviet people, a prospect which the Soviet government greatly fears. The closer together such stations were placed, the more certainly we could detect violations. But even with relatively few stations, I believe we could make the chances of detecting clandestine tests good enough to discourage Soviet cheating.

In view of the energy with which the Soviet Union has been calling for a separate ban on nuclear tests, we should at least call their bluff to see if they are willing to do what is necessary or if they are just spreading a propaganda hoax. The move is just as necessary now that the Soviets have announced that they are temporarily stopping weapons tests unilaterally. If the Soviets really want to bring an end to testing, they will agree to an inspection system. An opportunity to move forward may have been provided by Mr. Khrushchev's note of May 9, in which he expressed an apparent willingness to set up the joint study of inspection for a test suspension which had been proposed earlier by us.

Control of outer space is another avenue along which we can pursue disarmament. Now is the time to make sure that our new technical ability to send vehicles into outer space is dedicated to peaceful purposes alone. If we fail to bring under control weapons designed to travel through outer space, the new discoveries, instead of opening up new horizons to us on earth, may bring an end to our existence.

TO keep man's differences on earth from contaminating outer space the United States, as a separate and independent project, should take the lead in marshaling the talents and resources of the world for space research and exploration under the auspices of the United Nations. The cooperative endeavor of the International Geophysical Year has laid a foundation of experience. This "Year" should be extended until a more advanced structure can be erected, an agency similar to the International Atomic Energy Agency which promotes world cooperation on developing peaceful uses of the atom.

All nations should be invited to participate in what may be man's greatest enterprise. Our experience in setting up the International Atomic Energy Agency has demonstrated that such joint undertakings for world peace and welfare exert a magnetic force that compels even the reluctant to join. An international space research and exploration agency would absorb energies and divert resources that might otherwise be expended in military rivalry.

My second proposal in the field of outer space is that the nations of the world should unite in a priority program for an earth reconnaissance satellite. Under the supervision, guidance and control of an international organization, such a satellite could cross national borders and climb over Iron Curtains and expose to the wholesome gaze of the world military preparations of all nations. This watcher in space would make preparations for surprise attack, especially by conventional forces requiring mobilization, much more difficult. In this way developments in space could help control armaments on earth.

My third proposal is that all flights of long-range missiles and outer-space vehicles should be placed under international surveillance to insure that no clandestine tests of rockets or outer-space devices are conducted for military ends. The United Nations would be the proper body to assume responsibility for this task. Until long-range missiles have reached a state of perfection, test firings are necessary. Since the missiles rise to great heights and travel great distances, long-range radar now under development could in all probability fulfill much or all of the surveillance necessary to insure only authorized flights.

Difficulties would be compounded, however, if inauguration of an inspection system were delayed until the long-range missiles were perfected, for then multiplication of their numbers could proceed without field tests. Location and inspection of factories would then be necessary to discover illegal production, and it is uncertain whether any inspection system could detect hidden stockpiles of completed missiles.

Time is already growing short and I consider it necessary to get a program under way as soon as possible to work out the details of a control and inspection apparatus to prevent stockpiles of long-range ballistic missiles from adding to the threat that nuclear stockpiles already hold for the world. The United States should continue to pursue its proposal, thus far ignored by the Soviet Union, to create a joint study commission with the USSR to devise machinery that can insure that no further tests of long-range missiles are conducted for weapons purposes.

It should be pointed out that any of these proposals entails risks. I feel strongly, however, that in these days the greatest risk, an immeasurable risk, lies in doing nothing—in letting the armaments race continue with no control whatever. The first step, perhaps, is the hardest, but until we take it we shall never progress toward a security system based on the control of armaments rather than the fear of armaments.

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WHO'VE the DEMOCRATS GOT? . . *by Harry Barnard*

Chicago

WHICH DEMOCRAT looks good as a Democrat should for President in 1960? In the Middle West, as in other parts of the country, this question is being asked more and more. How the Middle West answers is important, for since the time of Lincoln, this section usually has been the crucial election battleground. So here are some reflections of a Midwesterner.

At the outset, to establish my bias, let me state that my own Number 1 choice — which does not, however, rule out acceptance of Number 2 or Number 3 — is one who, I am told, cannot possibly be considered available. I mean William O. Douglas. If ever there was an American who, by background, mental and spiritual bent, preparation, personality, geography and by his utterances seemingly was destined for President, he is Justice Douglas.

Most thinking people agree, I think, that in this crucial time certain things must be recognized: Russia and communism are facts; some means of peaceful coexistence must be found; the spread of communism must be stemmed; a democratic Near East is safer than a totalitarian Near East; war, in the atomic age, is unthinkable. No man, anywhere, has put into honest, authentic American terms the way by which all these ends can be reached honorably more directly and more eloquently than Justice Douglas.

However, "they" say that he will never leave the Court. He himself has said that he believes it his duty, as well as his fate, to remain on the Court. Some say it is improper even to mention Justice Douglas as a possible candidate for President — that this is a disservice to the supposed traditions behind Supreme Court Justices. I do not agree. However, let us skip William O. Douglas here. Only a miracle would give him to us, which might very well be precisely what the world at this juncture ought to be praying for.

No appraisal of more realistic possibilities could, of course, omit Governor Stevenson. For the past eight years — and this is a kind of miracle in itself, considering his defeats — the Illinoisan still overshadows all other Democrats. Quite possibly, he is still our best man, politically as well as for reasons of principle — and I will return to him in this article. But a better approach to the problem, I think, is to rule out some who are being widely mentioned but who do not have a chance to be nominated, as I see matters.

Governor Harriman is at the head of this list. He is a good man, right on many issues, though at times capable of monumental bloopers. But two overriding objections to him are his personality, which simply fails to ignite people out here, and his patronymic. Family names probably should not be important. But when they have indelible historic associations, they become important. The Harriman name just can't be sold west of the Hudson.

SENATOR Gore of Tennessee is also a good man. But he is not known and there is not enough time to give him the build-up a candidate needs. This brings us to other Senators, including Symington of Missouri. He, I think, will be eliminated by the defect of his major virtue, as even his admirers view him. He has made a career of studying military matters, in particular those relating to a big air force. Whether it is deserved or not, this seems to place a military stigma on Senator Symington. In 1960, both parties will understand, I feel and hope, that their candidate must be a symbol of the yearnings of all people, all over the world, for peace. Senator Symington, it seems, must be ruled out as a casualty of the cold war, which needs someone more like Justice Douglas to liquidate.

It is not in Symington's favor that Harry Truman apparently has given him the nod. Basically, for all his personal virtues and his value as a tub-thumper, Truman represents a backward look. Many of our most serious ills stem from his policies. Liberal Democrats cannot possibly accept a Truman candidate.

There is Lyndon Johnson. On balance, he has done a remarkably fine job as Senate leader. As a Texan, he deserves great credit for restraining the Dixiecrats in the Democratic Party, though his apparent tolerance of the unspeakable Eastland and his failure to speak out against the equally unspeakable Faubus must be held against him. He has a good New Deal background, having obtained his political start through Aubrey Williams, when that Rooseveltian Democrat was running the WPA in the South for Harry Hopkins. I think Johnson has not forgotten this. But his chances for the Presidency have been ruined by the corrupt and stupid intransigence of the South with regard to desegregation. If Senator Johnson's friends in the South really wanted him to be President, they would have moved heaven and earth to prevent the new secession movement by the Dixiecrats and their White Citizens Council allies. But they did not do this. They will suffer the political consequences in 1960, and maybe for many Presidential elections to come.

Lots of people, especially those who are over-impressed by *Time* and *Life* magazine covers, would place Senator Kennedy of Massachusetts at the top of any list of Democrats most likely to win the nomination. I do not do this. For all the steam behind the overt campaign to get the nomination for him, I think he will not get it. As in Lyndon Johnson's case, I think this is Kennedy's own fault. His rise to national prominence dates from his book, *Profiles in Courage*. But unfortunately, there is too much truth, as of now, in the observation that on the great political issues, Kennedy himself as

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a Senator has displayed more profile than courage (as I. F. Stone remarked). This is all the more remarkable in that the youthful Senator, a winner of the Navy Cross, proved his physical courage time and again during his World War II service.

Mrs. Roosevelt finished off Kennedy, it looks to me, when, in the *Saturday Evening Post*, she revealed that he refused to take a stand on McCarthyism, *even to her*, as late as the 1956 Democratic convention, when even notoriously timid politicians already were willing to concede that McCarthy was something less than an Eisenhower liberal Republican.

THIS IS sad. Kennedy ought some day to be a serious contender. It would be a healthy thing for democracy in America for a Roman Catholic to be elected President. Those Democrats, including myself, who bled and almost died for Al Smith in 1928, hope for the day when the religious issue in Presidential politics can be met head-on again, and resolved in accord with the principle that neither race, religion nor color bars a man from any office. But it is a disservice to this cause to ask those of us with this conviction to vote for a man ONLY because he happens to be Protestant, Jewish or Catholic. The most honored figure in the Roman Catholic hierarchy of America, Cardinal Stritch, recently made precisely this point.

However, this matter aside (important mainly because supporters of Kennedy have made it so), my main objection to Kennedy is that, for all the commotion over his possible candidacy, there is really not much in his record that justifies serious consideration of him today as Presidential timber on principle. He is a very attractive person. Youth is a fine quality, and there is no doubt but that the nation now is suffering from too many old codgers in places of power, especially places that determine if young men go to war. But to get relative youthfulness, we should not have to take immaturity. I think Kennedy needs at least one more full term's service as Senator, possibly also a term as Governor of Massachusetts, before he should seek the Presidency.

Adlai Stevenson

Now, as to those whose chances look good:

Adlai Stevenson cheerfully applauds statements, as he himself did recently at a Chicago dinner introducing Justice Douglas, that he is now an Elder Statesman *sans* Presidential ambitions. But this is not to be taken seriously. If he is nominated, he will accept. If a strong boom for him develops before the convention, he will yield to it, as he should. For historic precedent, there was not only Bryan. There was also Governor Tilden of New York (whom Stevenson so strongly recalls in style and personality), and Tilden was still ready to run again twelve years after his defeat in 1876 (if defeat it was).

Will Stevenson be drafted? A lot depends, I think, on whether he will be able to learn to be himself — as he was in 1952, and as he most emphatically was not in 1956. He must resign himself to the fact that he is not a man whom everybody can like. No great President ever was. Mr. Stevenson will do better concentrating his great talents on the rout of his enemies; his friends will flock to him then in abundant numbers.

All the Governor has to do is to speak out with greater forthrightness on the major questions, especially on the questions of peace and of racial justice. Let him drop such poses as that which betrayed him into referring to Faubus as "my friend." Let him disengage himself *publicly*, with no bones about it, from Dean Acheson's morally atavistic foreign-policy views. Obviously, Stevenson does not share Acheson's idea that it is useless to strive for a peaceful settlement with the Russians and that there should be no summit meeting. Obviously, too, Stevenson does not go along with Acheson's disregard of anything except the use of threat of force. But he needs to say so, and thus establish his leadership in the party. Let Stevenson establish "Stevensonian" as an adjective as forceful, as meaningful, as "Rooseveltian" or "Wilsonian," and he may yet find that his "time of greatness" will come.

IF NOT STEVENSON, who? Humphrey of Minnesota, Kefauver of Tennessee head my list at present —the order, however, being purely alphabetical.

Unlike some who have been Vice Presidential candidates, Estes Kefauver keeps growing in public esteem and also in his grasp of the fundamental issues. A measure of his statesmanship and his courage is the fact that he has not needed to be prodded to disavow Acheson. He did so recently in a talk at Yale, forthrightly taking issue with Acheson's attempt to block efforts to end the Cold War. A Southerner, he defends the Supreme Court, doing so from the first of the decisions against segregation. People cotton to Kefauver. The party could do much worse than promote him to the No. 1 spot in 1960.

Humphrey also has been growing. His address on foreign policy in the Senate on February 4 might turn out to have been historic for shaping a sane Democratic policy on the Cold War. If he follows through, continuing to raise his powerful voice for honest action on the part of *both* the United States and the USSR to prevent nuclear destruction of the world, he may well come off with the prize at the convention, and deservedly so. For, no matter the economic state of the country in 1960

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(this depression will be over by then, I am sure), the overriding issue will still be that of war or peace. Humphrey has shown that he, almost uniquely—though with Kefauver not far behind him—understands this.

Another Senator not to be overlooked is Wayne Morse. Generally, he carries on in the indigenous American Progressive tradition reminiscent of LaFollette, Couzens, Norris and Tom Walsh. Westerners take to that kind of leader, not caring much what party label he wears. The fact that Morse has worn the label of both leading parties is in his favor, with the people. If only he had Humphrey's oratorical ability and Kefauver's warmth, he conceivably could set the prairies and mountains afire. There will be no outcry for Morse. The party regulars naturally distrust him. But if there is a deadlock, and if Adlai Stevenson does not then make an entrance from the wings, Morse may be the man to appear. I would not be sorry.

A speech Morse gave in Chicago recently on foreign policy was a masterpiece, showing that he understands the need for peace and for an end to the nuclear peril. Moreover, he had the courage to tell his audience of liberals, members of the Independent Voters of Illinois (originally established to back Senator Douglas) that liberals share blame for the present sterility of U.S. foreign policy because they, the liberals, "have clung to policies of five or ten years ago simply because they were formulated by a liberal administration." This is all too true.

Then there are the two Governors, both young, both handsome, both quite unambivalent about wanting to be President: Meyner of New Jersey and G. Mennen Williams of Michigan. Between these two, I much prefer Williams. He has matured as a statesman so rapidly that it is no longer valid to dismiss him as "that boy." Having been elected Governor five times, he is his own man, regardless of the claim that Walter Reuther "owns him," even if that claim is damaging, which I doubt.

ON DOMESTIC issues, he has been right 100 per cent from the liberal, democratic view. He still has to make known his views on foreign policy. There I think his closeness to Reuther may be a handicap. Reuther, so articulate on everything else, somehow never seems to emerge as a man who stands for peace, even though it is working-class sons who do most of the dying—also working-class families who are hit when bombs fall on cities.

I'd hate to think that either Williams or Reuther keeps silent, or nearly so, on the paramount issue of our time because defense contracts are so profitable for Michigan industry. If this judgment is inaccurate, they can easily correct the impression it is based on.

Meyner? Out here in the Middle West, the picture we get of him is a fuzzy one. He's nice to look at, almost Rooseveltian in handsomeness. He has a curvaceous wife. These, I guess, are political pluses. But Meyner gives the impression that Republicans' votes are a lot more attractive to him than Democrats'. Somebody ought to tell him that Democrats are really in the majority in America, if not in New Jersey, despite Eisenhower's victories.

Besides, when Meyner, on TV, recently was asked what United States foreign policy needed most, he answered: "More bipartisanship" —exactly what our foreign policy does not need more of. He can't be a stupid man, so I judge that in this field, too, he is merely fishing for Republican votes.

I don't rule out the desirability of a Democratic candidate who can appeal to some Republicans, or even many Republicans. But if I want a President to carry out Republican policies, I can think of a number of Republicans for my vote on that score. In fact, out here, the Democrats would like to see the Democratic candidate, no matter what his name, be a real Democrat, that is, a leader who will offer some true alternatives to Eisenhower and Nixon —especially on foreign policy.

Patience Is Not Enough . . *by Wilma Dykeman and James Stokely*

Tuskegee, Alabama

"IF WE CAN'T find a way to keep Macon County white like it always has been, then by God we'll abolish it!" one of the natives of this south central wedge of Alabama tells you.

Actually, of course, Macon County never has been white. First it was red man's land, then when it was ceded by the Muscogee Indians in 1832 it quickly became the heart of the famous Black Belt girdling the South, where many Negroes worked the dark rich land a few white people owned, and wealth was kept as separate as it was unequal.

When Booker T. Washington arrived at the little town of Tuskegee in 1881, the future interdependence of white and Negro in this county was forever sealed. Today Macon has the largest percentage of Negro population of any county in the United States—84 per cent.

Driving along the highways that bisect the six hundred square miles of this county, through the rolling upland, past farms in many stages of prosperity and decay, past numerous shacks and houses and barns naked of paint, and crossroads stores plastered over with snuff and soft-drink advertisements, you realize this is the epitome of the still rural South. And perhaps more than in any other comparable area, here are the extremes of Negro life in the

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South and nation today. In this county, black hands daily perform the most intricate and delicate surgical operations known to medicine in the large Veterans' Hospital—while other black hands till the earth under conditions characterized by the most primitive superstition and backwardness. Here, a symphony performed by some of the foremost orchestras of our time was composed by a Negro, while Negroes nearby hummed folk songs whose origins are lost in time and memory. Here are political scientists who have written skillful and sophisticated dissertations, and here also are the illiterate and deprived who have never known what it is to mark their "x" on an American election ballot.

These contrasts exist because Tuskegee Institute, dedicated from its inception to the reality of progress and improvement of the Negro race, was set in a community dedicated from its antebellum tradition to the illusion of preserving the status quo. The inevitable collision between these two opposing philosophies — one of growth and expansion, the other of inertia and inhibition — came last summer.

THAT WAS when white planter, state senator, Citizens' Council leader Sam Englehardt, Jr., fearful of national civil-rights legislation, proposed and steered through the Alabama legislature a local bill which gerrymandered new city boundaries for Tuskegee and eliminated all but some ten or twelve of the city's 400 Negro voters. C. G. Gomillion, sociology professor, Tuskegee Civic Association president and new-style Southern Negro leader, protested. He was merely the voice for hundreds of others—in the town, out on the farms—who were inarticulate, and *they* protested by the most obvious, readily available means they knew: they stopped trading with the white businessmen in the town who had seen fit to exclude them. So the issue was openly joined. [See "City Planning, Dixie Style," *The Nation*, Oct. 12, 1957; also editorials in the issues of January 4 and February 15, 1958.]

Negro trade was the lifeblood of most white Tuskegee businesses, and if they had been indifferent to this knowledge before, the abrupt decline in Negro customers during the last half of 1957 made them anxiously aware of it. As they watched Negroes from the surrounding countryside and those from the neat residential areas of town unite behind the Tuskegee Civic Association and gather for weekly mass meetings at various churches, and as they saw some of their marginal businesses fail while the curve of their own profits plunged sharply, white citizens began to blame the T.C.A. for their hardships.

"They put the cart before the horse," one Negro leader says. "When those men say the T.C.A. is out stirring up the country Negroes to boycott their stores, they don't understand that it's the folks from out in the country who are coming in and pushing us to do more. Only last week an old woman from way back in the county came to me and said, 'I can't read or write but I know what's going on—and there's others like me. Don't you fail on us —we're behind you every step of the way.' Does that sound like an intimidated person?"

But the white community persisted in asserting that it was the Tuskegee Civic Association that brought about a boycott and kept it alive by threats and intimidation of Negroes who wished to trade in the town. A temporary injunction against the T.C.A. was secured, and in January the state attorney general sought to make it permanent. Several merchants testified that their business had fallen off as much as 70 per cent during their first loss of Negro customers, and that it was presently running 40 to 50 per cent below normal. But the attorney general ran into difficulty trying to prove that those lost customers would come flocking back to the counters once the T.C.A. removed its pressure on them.

"It puzzles me, how businessmen think they're going to force customers into buying from them," one woman says.

T.C.A. president Gomillion sums up the situation: "Members of my race refuse to trade with white merchants because we were hurt when the Alabama legislature gerrymandered Negroes from the city of Tuskegee."

Not content with this situation, however, and posing the threat of Negro political domination of the county, state senator Englehardt proposed an amendment to the state constitution which would simply abolish Macon County by dividing it up among its neighbors.

Even many white citizens were disturbed by this drastic proposal. The Macon County Bar Association, although not definitely opposing the amendment, gave the unanimous opinion that "other methods are available to resolve such problems." The legislature itself passed only a compromise proposal setting up a study committee.

When the issue was put to the public, however, the Alabama electorate, by a three-to-two margin, gave the legislature authority to abolish or reduce the county if this was found advisable after the committee's advice was received. Englehardt became chairman.

THE seventeen members of the Macon County Abolition Commission heard testimony in preparation for their final recommendations. Appearing before them on February 14, T.C.A. president Gomillion answered the accusations that had brought the commission into being:

> Today, my Negro fellow-citizens in Macon County want me to inform you that in spite of the fact that they have been accused of trying to take over the government, and of destroying the economy, the record will show that there is no evidence to substantiate such charges. Today, there is not a single Negro holding an elective governmental office in Macon County, and there are more than one hundred such offices in the county. Only once in thirty years has a Negro run for public office. Does this suggest that Negroes are trying to take over the government?
>
> Further, Negro citizens in Macon County have contributed greatly to the economic prosperity of white citizens, and to the economic wealth of the county. Taxes paid by them have been used to keep up municipal and county property, and to pay the salaries of government employees. These Negroes have been happy that they could make such contributions

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to the economy of the county. Until recently they have been proud of what they thought were their city and county. Now they are confused. When the legislature gerrymandered Tuskegee, and when a committee of the legislature is considering the abolition of Macon County, Negro citizens are wondering whether or not Macon County belongs to the citizens who live there, or to the legislature. When they realize that in spite of their contributions to the economy of the county they hold no public office, and that they were given no direct opportunity to decide whether or not they should be put out of the city, they remembered the utterance of one of the founding fathers of this nation that taxation without representation is tyranny.

When asked why he opposed the abolition of his county, Gomillion replied: "We feel very strongly that we in Macon County and elsewhere in the state ought to be concerned about building and developing rather than reducing or destroying."

The sharpest irony in the whole situation is suggested by that statement. It is an irony which turns a searchlight on the sincerity of all those who tell us they will be willing for Negroes to become first-class voting citizens *when* they have become educated and responsible citizens. Today in Tuskegee, Negro Ph.D.s have been maneuvered out of their vote as callously as have the illiterate field-hands.

"For generations now," one liberal Southern leader says, "we white Southerners have quoted and praised Booker T. Washington. We've used his admonitions to Negroes to become worthy people, but we forgot that in Washington's program there was an implicit bargain: if the Negro minority proved itself, the white majority would grant it just rewards. Well, the minority in Tuskegee has proved itself—and now the majority has got to keep its part of the bargain, or be proved welchers before the eyes of the world."

A young political science professor at Tuskegee, Lewis W. Jones, recently pointed out that in 1898 Dr. Washington had said, "I want to suggest that no state in the South can make a law that will provide an opportunity or temptation for an ignorant white man to vote, and withhold the same opportunity from an ignorant colored man, without injuring both men." Professor Jones continued:

> The reply to Booker T. Washington in Tuskegee is: destruction and chaos. Corrupt men have fulfilled Dr. Washington's prophecy: they have destroyed their own town, and they were no Sampsons.
>
> It is with no small pride that I can report how fully Negroes in Tuskegee have kept faith with Booker T. Washington. He set aspirations for Negroes. He told them to become educated, to become skilled in some occupation, to acquire property, to be law-abiding, to contribute to the community well-being to the extent that they become indispensable, and —in politics—to vote alongside their white neighbors. How did Negroes regard these commandments? Those who heard them treasured them in their hearts and taught them to the children at their knees.
>
> With great good will and a spirit of live and let live, the Negro population of Tuskegee accepted a racial division of economic function. Whites administered government and controlled trade and commerce. Negroes were the professional, service and laboring classes. Negroes have proudly and productively kept faith with Booker T. Washington. They have not sold their souls or demeaned their spirits with hatred or turned their hands to the petty and spiteful....

Stating the dilemma between real and synthetic democracy which today faces Alabama's abolitionists, Gomillion has summed up simply and nobly the hopes of his people:

> We have no goals, no aims, no intentions that would do injury to a single individual in Macon County. We do not propose to limit the education of any child. We want every individual, white and black, to enjoy the majestic dignity of full American citizenship and to enjoy the opportunity to express that dignity economically, politically, spiritually and in every other form. Our Crusade for Freedom is to have *all* share these hallowed rights.

SAD FOR U.S., SAD FOR ALGERIA . . *by Paul Bowles*

Tangier

ONE DAY EARLY this year as I was taking the mail out of my box in the post office here in Tangier, I heard my name called softly from the door which opens into the rear part of the building where the mail is sorted. I turned and recognized the young man who works at the registry window.

"I don't want to bother you," he began, "but are you interested in Algeria?"

"Isn't everyone?" I said.

He smiled. "I should like to bring some friends one day to see you. We would stay only a few minutes."

"Of course. Whenever you like. My telephone is 14353. Call me any morning at eleven, and we can arrange the time."

"*Entendu.*" He shut the door and a moment later smiled at me from the registry window as I went out.

A week or so later he and two other Moslems appeared at my door. I took their raincoats and they went into the *sala,* where they remained standing until I came back into the room. The postal employee introduced himself as Monsieur Gourit; he then presented me to the other two, the Messieurs Benouar and Youcef. The two Algerians were correctly dressed in dark suits and looked like civil servants, which is what they turned out to be—employees of the Moroccan government. My immediate feeling was that they had come to form a personal impression

PAUL BOWLES, a frequent contributor, spent many years in North Africa. His most recent book is Yallah, *record of an African trip.*

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of me, and this did not change. We sat down. With certain deletions the conversation, in French, ran thus:

BENOUAR: I see you like Moroccan décor.

BOWLES: I like everything about Morocco. I first came to live here twenty-seven years ago, you know.

GOURIT: Before I was born.

BENOUAR: You have been here for twenty-seven years?

BOWLES: No, no. But I've been here more than half that time.

BENOUAR: You don't get tired of it?

BOWLES: No, not at all. On the contrary, I like it more all the time. I travel a good deal, and I love coming back to it.

YOUCEF: And Algeria? You have been to Algeria?

BOWLES: Yes, I've spent four winters there. Principally in the South. But I've traveled all over it, by plane, train, bus and camel. And trucks, too. I like camels the best. You don't have to ride them. You can get down and walk along beside them.

BENOUAR: I must confess I've never been on a camel.

YOUCEF: You are American, monsieur. It is for this reason that we came to see you. We have great admiration for the Americans. We thought perhaps you might be able to help us.

BOWLES: Help you? I'd like very much to help you in any way possible—except financially, which I couldn't manage—but I don't quite see what there is that I can do. I have no importance, you know, no influence, no official connections, no powerful friends, nothing.

YOUCEF: Yes, but you know America.

BOWLES: Not even that any more, I'm afraid.

YOUCEF (impatiently): Tell me, monsieur. Why does America not want to see Algeria independent? Why is she against us?

BOWLES: In the first place, I don't agree that the United States is against you.

YOUCEF: Come, monsieur. She finances the war being waged against us, and she has never once expressed herself in our favor. You must admit that.

BOWLES: She finances it indirectly, yes. And unfortunately France is in Europe and is still an ally of hers. I don't think she'll go on financing it much longer, though. I know she just handed France another enormous sum, but that won't last long. I think eventually she'll have had enough of France's nonsense.

YOUCEF: You're very optimistic. I wish I could be as much so.

BOWLES: On the contrary, I'm very pessimistic. I'm afraid by the time America loses her patience it will be too late.

BENOUAR: Too late? In what sense? You think the French are going to win? I can assure you that will never happen.

BOWLES: No, I don't mean that. Of course they can never win. I mean to say, by the time America decides the war has gone on long enough, the Algerians may have committed themselves to the East. Then not only wouldn't America be able to insist on negotiation, she would even feel obliged to help France continue the war, and this time in an active fashion.

YOUCEF: It's unthinkable.

BENOUAR (simultaneously with YOUCEF): Never.

GOURIT: I see you are really pessimistic, monsieur.

YOUCEF: What you are saying there is completely hypothetical, in any case. It is a personal opinion and has no basis in fact. You have been to Algeria. You have seen the poverty and you know the causes for it.

BOWLES: Yes, of course.

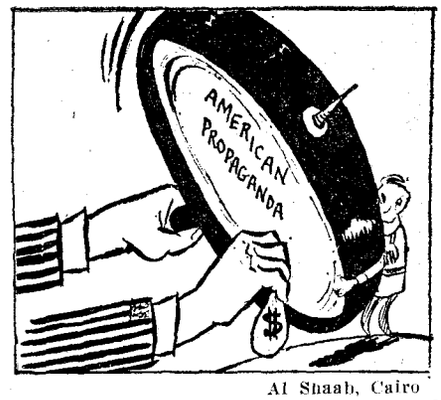
YOUCEF: You know that the principal purpose of the present slaughter is to perpetuate the system which creates that poverty. And you know that is why we are fighting.

BOWLES: Yes, yes. Of course.

YOUCEF: What we want to know is, how can we bring our case to the attention of the American public? How can we convince them that they are being immoral and short-sighted in supporting France? How can we gain their sympathy?

BOWLES: I'm sure you already have the sympathy of most of the Americans who are conscious of the fact that there is a war going on in Algeria.

YOUCEF: Who are conscious of it?



Al Shaab, Cairo

"A microscope has been invented which magnifies 5000 times."

What do you mean? How could anyone not be conscious of it?

BOWLES: Easily. Americans are indifferent, you know, to events that don't touch them directly. But as I say, practically everyone who knows anything at all about the war sympathizes with you, not with the French. You can be sure of that.

GOURIT: But then — the American government does not represent the American people.

BOWLES (laughing): Are you serious? (Pause.) I mean, the government functions like all democratic governments, more or less in accordance with the desires of the majority, yes. But I'm afraid most Americans have no interest in Algeria one way or the other. It's sad, but that's the way it is. That's America.

BENOUAR: *C'est triste, en effet.* Sad for us, and sad for the Americans.

YOUCEF: Yes. You were saying, monsieur, that you feared an alignment on our part with what you call "the East." You know, I suppose, that we have consistently rejected all overtures made to us by the Communist Party of Algeria?

BOWLES: And yet members of the French Communist Party have been repeatedly identified among the bodies of dead *fellagha.*

YOUCEF: That means nothing. After all, we have soldiers from many nations fighting in our ranks. The French are careful not to mention that. But they never miss an opportunity to make propaganda if they find a Communist somewhere around. You realize that all the news you read here or in America is from official French sources. You are not so naive as to believe it implicitly.

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BOWLES: Naturally, I only wish it were possible to get news occasionally from other sources.

GOURIT: I'll see that our organ, *El Moudjahid*, is put into your mailbox every week. You'll find different news in it.

BOWLES: That's very kind. Are you sure it won't be a bother?

GOURIT: You can pay me each week at the registry window.

(GOURIT *and* BENOUAR *briefly discuss, in Arabic, the question of whether it would not be better for me to buy* El Moudjahid *at one of several newsstands which carry it, but decide in favor of* GOURIT's *suggestion.*)

YOUCEF: You say you spent four winters in Algeria. You must have formed some friendships while you were there. With Algerians, I mean.

BOWLES: Yes, I had casual acquaintances in various places. But most of them disappeared suddenly. For instance, I was in Adrar in January, 1948. I don't know whether you consider that Algeria or not—

YOUCEF: Of course it's Algeria.

BENOUAR: Not Algeria proper. It's the Sahara.

YOUCEF: Algeria is bounded on the South by French West Africa, my friend. That's what the French have always said, so it must be true, no?

BOWLES: Well, I had friends there. (Turning to GOURIT) In fact, one of them worked in the post office. He sent me a box of dates later, to New York. But he also wrote me a letter begging me not to write to thank him. The next year when I went back he was gone. The French had arrested him and ten or twelve others and sent them to prison in France. No one seemed to know precisely why. (Seeing that YOUCEF is about to speak) I know, they were Nationalists, but then, so was everyone else. The same thing happened to other friends in Béni Abbès. In this case, I was told their offense. They had whistled a Nationalist song one night under the *commandant's* window.

BENOUAR: You mean Sidi-bel-Abbès?

BOWLES: No, Béni Abbès. South of Colomb-Béchar. It was the first time I had realized the trouble really existed. Of course. I'd read of the bombardments by the French in 1945, but that was disconnected from—

YOUCEF: Really? Where did you read about them?

BOWLES: In *Les Temps Modernes.* Incidentally, in that article the number of Moslems killed during those three days was put at forty-six thousand. Do you think that was an exaggeration?

YOUCEF: No. I should think the true figure was probably higher. It's very difficult to arrive at an exact number in such circumstances.

BOWLES: Anyway, since the night of October thirty-first, 1954, I've followed events with the greatest interest. For a long time I've been waiting for the pleasure of seeing France commit suicide, and it's possible that this is one occasion when America won't be able to stop her from doing it.

YOUCEF: Yes. To get back to what I was saying a while ago. I should be interested to know whether in your opinion there is in your country a general conviction or, let us say, a tendency to believe, that we are sympathetic to what you call "the East."

BOWLES: But I never meant to imply that you were! I only said I was afraid that by the time the United States came to the realization that she had enough of France's misbehavior in Algeria, it would be too late to build a new country upon any semblance of friendship with the West.

YOUCEF: Because we should be committed to the other side, no?

BOWLES: I'm not saying I'd attach any blame to you for that. After all, what reasons would you have for maintaining loyalty to those who had refused to help you?

YOUCEF: You will pardon me, monsieur, if I say that you do not seem to have understood the situation very clearly. For us it is not a question of loyalty or disloyalty. It is a question rather of being practical. First, we want independence. Most of the arms we have been using to fight for it, we captured with our own hands from the French in Algeria. We also have arms and ammunition from Egypt and Syria, yes, and if that is due indirectly to the Soviet Union's assistance to these two countries, that is all the same to us. The Soviet Union already upholds our cause in the United Nations. As long as these conditions continue, we have no need to mortgage our future independence by asking for help from that direction. What would we have to gain by exposing ourselves to Communist domination? Surely that should be clear to you. The F.L.N. has no intention of allying itself with Communists, now or later.

BOWLES: I'm very glad to hear you say all this. I've read two or three of your brochures: one on the members of the Foreign Legion in the Army of Liberation, one on the history of Algeria, one on how the F.L.N. works. It seems to me it would be very useful if you were to publish one in which you make clear your position regarding communism. I think it would help a great deal, in the United States, at least. It's about the only concrete suggestion I can think of at the moment. Can't I give you some whiskey? *(They all declined, and I served them three glasses of water. Before leaving Youcef asked for copies of my novels in French translation, which I gave him. I have not seen either Youcef or Benouar since.)*

* * *

Note. Somewhat later there appeared in the newspaper *Die Welt* the account of an interview, by a journalist named Wirsing, with Ferhat Abbas at his Geneva residence, during the course of which the Algerian leader was quoted as saying that a three-man commission representing the F.L.N. had visited Moscow and Prague in quest of heavy arms. According to the article, the members of the commission were told that such aid could be granted only if the F.L.N. broadened its political base to include the interests of "all sectors of the Algerian people." It was suggested to the commission that its request would receive serious attention if a certain Ali bou Hali, an old-time member of the Algerian Communist Party, now resident in the Albanian capital of Tirana, were to be included on the executive committee of the F.L.N.

The F.L.N. quickly denied that such an interview had taken place, and denounced the article in *Die Welt* as a journalistic invention.

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BOOKS and the ARTS

The Virus of Our Time

MASTERS OF DECEIT. By J. Edgar Hoover. Henry Holt & Co. 374 pp. $5.

Fred J. Cook

FBI DIRECTOR J. Edgar Hoover has produced in the almost universally-praised *Masters of Deceit* a book that, it would seem, can succeed only in fanning the embers of McCarthyism and acting as a formidable deterrent to intellectual dissent on basic issues of our time.

That may not have been Mr. Hoover's intention. Ostensibly, his book is a primer on communism—the nature of the beast, the deviousness of its methods, the menace that it poses. But, because Mr. Hoover is who he is and because, at times, he almost subconsciously reveals himself, his book becomes a mirror reflecting in many ways the basic attitudes and climate of our times—and hence raises issues that involve far more than communism.

Take, for example, this revealing paragraph near the end:

> Time after time in this book I have mentioned that honest dissent should not be confused with disloyalty. A man has a right to think as he wishes; that's the strength of our form of government. Without free thought our society would decay. Just because a man's opinion is unpopular and represents a minority viewpoint or is different he is not *necessarily* disloyal. (Italics added.)

However you read that paragraph, it parses out as considerably less than a ringing affirmation of traditional American principles. By the use of one word, Mr. Hoover has loaded it with the virus of our time—suspicion. "Not *necessarily* disloyal." The inevitable corollary is "but very possibly."

One paragraph is not a book, but again and again, in *Masters of Deceit,* one comes across passages which conjure up the horrifying possibility that, if one has any thoughts at all on the major issues of our time, one must be extremely careful that these thoughts are not tainted with the tincture of communism. Here is Mr. Hoover on thought control:

> Party influence is exerted through the Communist device of thought control (controlling, in various degrees, the thinking of many Americans). The Communists quickly accuse anybody who disagrees with them of being guilty of thought control; it is a favorite Communist expression. Yet this same technique, applied in varying degrees to different groups in our population, is the key Communist strength in America today.
>
> The party's objective is to drive a wedge, however slight, into as many minds as possible. That is why, in every conceivable way, Communists try to poison our thinking about the issues of the day: social reforms, peace, politics, veterans', women's and youth problems. The more people they can influence, the stronger they will be.

Obviously, it is hardly safe to think about any of the issues in these all-embracing categories. For Communists may be thinking about them, too, and how is one to know whether one's thoughts are actually one's own, or the reflection of some subtle Communist thought-inoculation? Such suggestion, advanced by the man who holds the awesome power that is concentrated in the hands of the director of the FBI, must have the effect of discouraging that inquisitiveness of mind that is the trademark of a dynamic society. It can serve only to encourage the humbling of the spirit to a sheepish conformity.

Once again, it must be stressed that this is no isolated example of Mr. Hoover's thought. For a man who reveals in almost every chapter his strong religious bent, he exhibits repeatedly a curious animus against those who work for peace. He brands the 1957 petitions to ban further nuclear tests as the product of Communist conspiracy, and he calls the great majority of the signers "loyal, but deceived, citizens." In the same vein, speaking of Communist fronts, he writes: "Or suppose some giant rally for 'peace' is to be held. The platform will glitter with non-Communists. But a Communist member on hand will control the agenda." Inevitably. It is a flat, bald statement that permits of no exceptions. Even the quotation marks around peace enforce the conviction that any and all agitations for peace are the products of Communist connivers in the wings.

SUCH excerpts point up the disturbing paradox that runs through Mr. Hoover's book, as indeed it does through our times. Lip service is rendered to the tradition of democracy, the vital right to think and to speak as one chooses; but even while obeisance is made to the theory, the practice is discouraged. By specific example, the head of the FBI makes it clear that, whatever the theory, in practice the speaker of dissident thoughts is very likely to be in cahoots with the powers of evil. The best that can be said for him is that he is a deceived jackass. And since not many persons wish to vie for so unenviable a title, there is left only one safe rule: see no evil, hear no evil, speak no evil.

Since this is not quite the society envisioned by Thomas Jefferson—or by John Adams or Alexander Hamilton, for that matter—it becomes pertinent to ask a few questions. Is all this fearful, over-the-shoulder looking necessary? Is communism in America, as distinguished from the international menace of Russia, a real threat today? Hasn't American communism nearly expired as a result of the betrayals that capped all earlier betrayals, the un-

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called-for and bloody aggression in Korea and the unmitigated savagery in Hungary? It would certainly seem so, for the party has dwindled to an anemic 8,000 members.

AGAINST this background of defeat, what becomes of the menace? According to Mr. Hoover, it's still with us, as real and menacing as ever. Perhaps more so.

One might wish that Mr. Hoover had been a little more candid about the present strength of communism. He notes merely that from a peak of 80,000 members in 1944 the party rolls had dwindled to 22,600 in 1955 and that "by the summer of 1957 membership had further declined." One presumes that Mr. Hoover must have had access to the specific 8,000 figure that has been reported in the press, but let's not quibble. Figures really do not matter. Mr. Hoover's real thesis about the menace of communism boils down very simply to this: weakness is strength.

He develops this theme early by quoting, at face value, some remarks by William Z. Foster, the old-line Communist leader. He writes: "In 1922, when Communist Party membership reached 12,400, William Z. Foster said: '. . . we no longer measure the importance of revolutionary organizations by size. In some places where there are only one or two men, more results are obtained than where they have larger organizations. . . .'"

One might be justified in thinking of William Z. Foster as a crackpot talking off the top of his head; as a futile agitator trying to rationalize his lack of popularity by assuring his followers that, after all, mere numbers do not matter. The verdict of the intervening years in America might even seem to justify such a view. But not to Mr. Hoover. He takes Foster seriously. And because he does, we still have a menace — and Mr. Hoover's book. One could hardly exist without the other.

Here, in essence, is Mr. Hoover's message: One must not be complacent just because American communism now appears moribund. Communism is a virulent and volatile disease; overnight, it can zoom from ground zero into the political stratosphere. Hence, we must eternally beware.

This theme is meat-and-gravy to the self-annointed vigilantes of American culture. The reception that has been accorded Mr. Hoover's book is proof of that. Shakespeare in centuries has hardly received more fulsome praise than the American press, in chorus, has heaped upon Mr. Hoover. As James Wechsler pointed out in a *New York Post* editorial:

> Heroes rise and fall in our land. Republican gazettes which once treated Ike as if he were above criticism now talk as if he were Harry Truman. There are also moments when Mickey Mantle is booed. But while most mortal men find their hides vulnerable, FBI Director J. Edgar Hoover remains the sacred cow of press and politics.

Wechsler added that there had been "a chorus of wide-eyed acclamation reminiscent of the Russian press in the days when Joseph Stalin was a compulsory bestseller. All this would not matter too much except for a parallel effort to defame any commentator who fails to give the appropriate salute to this tedious exercise."

That is precisely the point. In theory, free speech and a free press are good, but let's not practice them. One reviewer who, in mildest terms, intimated that to him Mr. Hoover seemed to be dealing with some pretty old stuff, drew down a barrage of vituperation which seems proof that McCarthyism is as virulent a poison as communism.

But the man who really stirred up the lions was John B. Oakes in *The New York Times* Book Review. Mr. Oakes several times practically salaamed in Mr. Hoover's direction, but he did venture to point out that the Communist Party seemed to be coming apart at the seams and he did comment that, in view of this, "you may well wonder just how justified his [Hoover's] alarm really is." And he did mention that there seemed to be "at times a naive and at times a slightly dated quality to the contents of Mr. Hoover's book. . . ."

This gentlest of criticism provoked an outburst. George Sokolsky, Hearst political columnist, was so outraged by Mr. Oakes's *lèse majesté* that he trained a full barrage upon the unfortunate critic. William F. Buckley, Jr., in the *National Review*, began with the theme that anyone who attacks Mr. Hoover winds up looking terribly silly. As he went along Mr. Buckley built up a full head of steam about the critics who had tried and failed, ending with: "Alan Barth of the Washington *Post* had a go at it, and the effect was that of a teenager trying to impress his elders with a dirty joke."

THE effect of all this on the popular mind is perhaps best illustrated by an anecdote related to me by a newspaperman, a friend of mine. His wife had taken their son for a periodic checkup by the family doctor. Before the doctor could get down to business, he asked the mother whether her husband knew Mr. Oakes. She said she didn't think so and then sat, dumbfounded, while the doctor launched into a minutes-long tirade against Mr. Oakes and *The New York Times*. Not for him Mr. Hoover's fine distinction about the "not necessarily disloyal." For him, there were no questions, no doubts, about the motives of Mr. Oakes or the motives of *The New York Times* in permitting Mr. Oakes to express himself.

"My wife came out of there absolutely shocked," my friend con-

I Attend a Reception for a Visiting Celebrity

Everyone clamouring
with tongue so clever
my own tongue
is struck to the root.
I shrink my telescopes
into my shell
delicately retract my slimy tail
and parody a pebble.
The lion roars.
The sheep pull their own wool
over their own eyes
and the wolves fawn.
And in my shell cell
by my sole self
modest
unassuming
and seething with pride
I turn on my tape recorder.

DILYS LAING

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cluded. It is a shock that unfortunately, seems destined to be repeated again and again before America re-learns the art of looking ideas in the face and considering them on their merits without fear of the bugaboo. If Mr. Hoover's *Masters of Deceit* does nothing else, it has served as a convincing demonstration that this time is not yet.

The Fool-Rogue

THE GINGER MAN. By J. P. Donleavy. McDowell, Obolensky. 327 pp. $3.95.

Vivian Mercier

PORTIONS of this book are obscene and/or blasphemous; other portions may give offense to those who are Irish by birth or sentiment. In these respects, it does not differ greatly from a number of satirical or humorous works by native Irishmen—Swift, Brian Merriman, Joyce—some of which date from the twelfth century or even earlier. Mr. Donleavy, a New York Irishman now living in London, reads at first sight like Henry Miller turned loose in James Joyce's Dublin. Soon, however, we realize that he possesses what Miller lost long ago—a sense of humor. He knows, in the words of Arland Ussher's characteristically brilliant introduction, "that the physical is comic," a knowledge impressed on every Irishman soon after birth and perhaps in part responsible for the low Irish marriage rate.

Sebastian Balfe Dangerfield, "the wild Ginger Man," is a U. S. Navy veteran allegedly studying law at Trinity College, Dublin, under the G.I. Bill. His two years in Dublin have made him part-Irish and part-Catholic in idiom and outlook, though he seems to have little Irish blood and is married to the daughter of a British admiral. Dangerfield is at war with the world, not as a matter of conscious principle but because he naively feels the world has declared war on him: "I don't know why I'm so terrified by this capital punishment because I feel I'm a gentleman and live by all the rules and regulations...." It rarely occurs to him that cheating on exams, pawning everything that isn't nailed down, adultery, non-payment of bills, drunken brawling, and beating up women are breaches of the gentleman's code. Often in his self-pitying reveries he sees himself as a Christ-like scapegoat. Far from rebelling against the social order, he constantly looks forward to the day when, as a successful barrister or the heir of his rich but detested father, he will wallow in the fleshpots of capitalism. He is always more than ready to bilk and intimidate those whom he considers his social inferiors.

For his war on society—"It's hard but it's fair"—Dangerfield relies on a slender armory of weapons: a British accent, unlimited nerve, the inexplicable sex appeal common to all his type, and the admiring loyalty of a few male incorrigibles like himself. Deserted by his disgusted wife, hounded by duns and comic landlords, shattered by the terms of his father's capricious will, he yet finds himself at the end of the book temporarily on top of the world and well supplied with money by a ne'er-do-well friend who has grown suddenly and mysteriously rich. Three women, in turn or simultaneously, comfort him in his marital turmoils: a free-loving English girl named Chris, an inhibited yet responsive Irishwoman named Lilly Frost, and a demanding young Irish girl named Mary, whose sex initiation leaves Sebastian stunned and possibly trapped, though one feels that an essentially self-destructive personality like his will sooner or later break loose from this anchorage and drift out to sea.

DANGERFIELD, whose startlingly immediate stream of consciousness fills the entire book, is reluctant to admit the objective existence of other human beings. Consequently, the only other fully drawn characters—to my mind—are Mary and the permanently frustrated Irish-American G. I., Kenneth O'Keefe, whose fruitless attempts to lose his virginity counterpoint Dangerfield's almost accidental conquests.

Mr. Donleavy has been classed with England's "Angry Young Men," and his hero's revolt-against-society-without-social-revolution attitude certainly resembles that of Lucky Jim and his successors. But right there all resemblance stops. Mr. Donleavy's Irish eloquence and American drive make him a Don Juan among the eunuchs. Furthermore, he is in his small way a technical innovator: Sebastian's reverie flows in the first person, but he records his actions in the third; the latter often gain intense immediacy from a skillful use of the present participle:

> Sebastian approaching in the hard, kitchen light. He put the brandy on the table and reached out for her wrist. Tightening his fingers around the bone and she let go of the frying pan and it fell to the floor. Miss Frost in her gray sweater and her mouth a little uncontrolled. This evil man from Mars, hand on the flat of her back. Pressing with dignity. And whatever else happened, if we have that we're all right. Whispering in Miss Frost's ear.
>
> "Miss Frost, you have a lovely nape of neck. Chew your ears. Ever chew ears? ..."
>
> "O, Mr. Dangerfield, you'll bite them off."

It's amazing how the absence of "I" improves the narrative and gives it an objectivity that is sharply comic. Perhaps these technical innovations are what help Donleavy's hero to escape the nauseating I-may-seem-a-frightful-cad-but-I'm-a-jolly-decent-chap-actually smugness which hovers over even *Lucky Jim* and descends like a fog upon Amis' second novel, as upon Thomas Hinde's new book, *Happy As Larry.* Sebastian Dangerfield may not fully realize what a prize s.o.b. he is, but his creator does—and yet Donleavy finally makes us feel affection for him, such as we often feel for what Ussher calls "Fool-Rogues" in real life. Moreover, our affection is completely untainted by pity or understanding; Donleavy has given Freud and all other psychoanalysts the boot; he never offers us the slightest trustworthy hint about how Sebastian came to be what he is. One thing we are sure of: HE IS. This is an existentialist novel if ever there was one.

One wonders how Donleavy will fare without the Irish background and the strongly ambivalent feelings it arouses in him; I was disappointed by the single excerpt I have seen from his second book, *A Fairy Tale of New York.* At any rate he has gotten under the skins of the Irish in more senses than one. One quote must suffice:

> They looked a curious pair and a group of small boys called after them, Jews, Jews, and O'Keefe spun back with an accusing finger, Irish, Irish, and they stood barefooted in silence.
>
> "That's what I like about Ireland, so open about hatreds."

To balance such affectionate satire I could quote passages about my *alma mater,* Trinity, which leave me misty-eyed with nostalgia. But enough! Donleavy has written an Irish comic masterpiece in the tradition of the twelfth-century *Vision of MacConglinne,* of *Ulysses,* of Flann O'Brien's *At Swim-Two-Birds,* and of Beckett's *Murphy.*

VIVIAN MERCIER is writing a book on the Irish comic tradition. A chapter on Joyce and Irish parody appeared in English Institute Essays 1955 (*Columbia University Press, 1956*).

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Letter from Minneapolis–St. Paul

Lloyd Zimpel

SEPARATED only by city-limit signs and a few forced attitudes ("You may be bigger, but we're more *historical*"), Minneapolis and St. Paul harbor between them about a million inhabitants, some so highly literate that *Life* ten years ago undertook an investigation of what made these provincials tick with such creativity. The magazine discovered a literary "boom" forming around the then-young authors Max Shulman, Thomas Heggen, Feike Feikema, Mabel Seeley and William Bushman. Of the lot, only Feikema (now Fredrick Manfred) proved to have an enduring, multi-book talent. Sadly, Heggen isn't writing, Shulman is, Seeley may be (mysteries), Bushman apparently never did. It simply proves what everyone here always quietly suspected — that even with *Life* promoting, two novels, a mystery and a funny-book do not a renaissance make.

Now—as they did a decade ago—the Twins take their culture the way they hold their suspicions—quietly. When Antal Dorati, conductor of the Minneapolis Symphony, angrily cried "Who threw that?" to his youthful audience during a recent broadcast, it was because of an accident, not because a tomato had been lobbed out of the balcony: no audience here has ever revealed such passion.

Yet, casual and limited as it may be, an audience for the arts does exist. In trying to explain it the Minneapolis Sunday *Tribune* (February 9) sounded a *Life*-like revivalist note, fantasizing over a

> steadily mounting enthusiasm for various kinds of culture. . . . Businessmen plunge into literature and philosophy. Union members go to art classes . . . [They] wouldn't go in for culture at this rate if they didn't enjoy it. And apparently the more they get, the more they want—as is apparent in Minneapolis in rising concert and theatre attendance and the exuberant response to the varied programs of the art museums.

A cultural boom! But it takes the keen editorial eye to find it. True, visiting guest artists, performing with the Minneapolis Symphony, do draw sizable crowds — but the guest is necessary. Without a soloist, Mr. Dorati brings forth programs (one "modern" work laid carefully into each) that are rarely distinguished by great sensitivity; the response is less than exuberant. Where Dimitri Mitropoulos, Mr. Dorati's predecessor, stirred the blood, Mr. Dorati somehow stirs home-town loyalties. The flour and lumber money, and ladies' auxiliaries, and such university people as can afford it support "their" symphony with a fair degree of effectiveness and possibly, in the privacy of their homes, with steadily mounting enthusiasm. As for the rest of the audience, let us accept the Tribunal judgment: they're going in for culture, and by God, they *enjoy* it.

A GOOD measure of the "steadily mounting enthusiasm" around here is contained in the same newspapers that make the claim. The Sunday edition of the St. Paul *Pioneer Press* carries a few ten-to-twenty-word book notices in left-over spaces between TV listings—as if afraid to give 'em more in case they really will want more. The Minneapolis Sunday *Tribune* does somewhat better with its two pages of book-music-art, all superintended by John K. Sherman who gently echoes the jacket blurbs in his book and record reviews. On TV, jazz, movies and various underground activities, the *Tribune* unleashes gimlet-eyed Will Jones (also a *Downbeat* regular), whose daily column spices the classified section.

Local radio, with the exception of the university's KUOM, and three FM outlets, furnishes fare too depressing to discuss. The recently inaugurated educational TV station, KTCA, has been warmly welcomed, but not everyone appreciates its sometimes deadly educational approach. However, a number of current programs — Gene Bluestein on American Folk Song, Professor Robert Moore on Shakespeare — do reveal some imaginative programming.

KTCA's most finished programs, on both technical and subject-matter levels, come not so surprisingly from the University of Minnesota (one of the country's three or four largest). While the university has always been the center of its own kind of intellectual life and Minneapolitans only borrowed from it as they could, educational TV seems to have eased the borrowing process. Along with TV, the current interest in science education has flushed a number of university people into the community eye.

The Minnesota campus itself presents a serene appearance that successfully masks whatever internecine exchanges certainly take place upon it. This calm is difficult to shatter, although it has been done. Shortly after World War II a young home-grown fascist managed it by striding around campus with a trench-coat buckled over sword and scabbard: under cover of night he tacked race-hate signs to the mall's stately elms. He was put away.

More recently, during Negro History Week of 1956, Herbert Aptheker was invited to speak by the Student Union Board of Governors. Despite protests against university sanctions of "that avowed Communist," Mr. Aptheker appeared and spoke to an alert and questioning audience. In the face of widespread disapproval, it took commendable courage to endorse his presence, if not his politics.

Young writers with assistantships in English, American Studies and Humanities regularly stop by at Minnesota to feel the smile of poet-critic Allen Tate, top man since the bygone days of Isaac Rosenfeld, Joseph Warren Beach, Robert Penn Warren and Saul Bellow. Mark Harris (*Something About a Soldier*) spent a few years here; and among current teacher-writers are poets James Wright and John Berryman (*Homage*

LLOYD ZIMPEL is a Minneapolis editor and copywriter. His short stories have appeared in Chicago Review, Perspective, Coastlines *and elsewhere.*

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to Mistress Bradstreet): but the entire list is too transient to pin down for more than one term at a time.

The presence of these men does not have much off-campus significance. To the majority of them, the university life is its own splendid reward. Men like political science Professor Mulford Sibley, who figured in the formation of the American Forum for Socialist Education, and who has been active on other non-U issues, are very fast becoming campus anomalies.

MAGAZINES, outside of a few religious and business publications, hoe tough rows hereabouts. Nobody advertises, nobody buys. *Midwest Panorama*, an upper-Mississippi *New Yorker*, skipped feebly off the ground about the time *Life* cried boom, and quickly collapsed, one issue to its editors' debt. The university-financed *Minnesota Quarterly*, a 1950s version of an earlier tradition, was flogged to life by a couple of youngsters, and lasted in revival for a half-dozen issues. During that time they printed Jesse Stuart (Kentucky), Winston Weathers (Oklahoma), Langston Hughes (New York), and some of the intriguing early poems of Mason Jordon Mason (reportedly Louisiana and New Mexico). Nobody claimed the magazine had to fulfill the regional promise of its title—except the university which finally withdrew funds.

More recently the university has spawned other publications, though not always officially: *Critique*, with essay contributions from English departments here and there; and a periodical called the *Graduate Student*, edited by English graduate students and sternly dedicated to the problems they face—where to publish, how to approach freshmen.

St. Paul boasts of having the nation's largest calendar printer, but this does not mean that it is concerned with *time*—except as it likes to recall its Pig's Eye past as an important river town. Mark Twain made it this far up the Mississippi a few times. Currently, residents are being encouraged to bone up on such historical tidbits—1958 is the state's centennial year.

Besides boasting the "World's Largest Indian" (nothing around here is really small)—a fifty-five ton, forty-four foot high Mexican onyx figure by Carl Milles, St. Paul also claims the nation's biggest law book publisher. It may be that such devotion to observing—even printing—the very letter of the law leaves a certain latitude in interpreting its spirit: *God's Little Acre*, long banned by an overzealous police chief, still can't be bought in St. Paul, although most Minneapolis drugstores carry it. And not long ago, the Saintly City fathers became alarmed by the dirty plays hitting the City Auditorium boards. They advanced a plan for screening each play beforehand in some safely distant city. All told, things look bad for stage fans. In January, the Lyceum, last of the Minneapolis legitimate theatres, was sold to an evangelical group. Not much is left but the St. Paul Auditorium, which plays host to such dissimilar attractions as the annual circus and the Shubert Club's distinctive programs (recently Gary Graffman and Myra Hess have appeared under its sponsorship).

Evangelical influence, badly misguided, appears to extend beyond the theatre. Late last year sculptor Alonzo Hauser's commission to provide a piece for the ambitious and long-abuilding Capitol Approach area in St. Paul was dropped when he offered a nude water sprite. The commissioners had heard that that sort of thing wasn't too well received by some groups in other parts of the country. Why take chances? They suggested a soldier bearing arms.

Despite the annoying overcast, serious work does get done. Hauser, disappointed as he was, didn't stop working. Manfred toils over his novels, mostly concerned with his "Siouxland" region. Poet Ray Smith continues to write. And, at work with tape recorder and notebook among the older settlers of this area and the Indian tribes to the north, Meridel LeSueur is gradually compiling an "oral history" of the region. In written form it may prove as absorbing as her *North Star Country*.

Mac LeSueur, her painter brother, commands the respect of artist and public alike, and appears headed toward a major expression. He teaches at both the St. Paul Gallery and the Minneapolis Institute, which two, along with the Walker Art Center in Minneapolis, provide broad and balanced free-admission displays. With varying degrees of enthusiasm all three acknowledge the work of younger artists, including such local ones as the talented Eugene Larkin.

In drama (aside from the tightly-organized University Theatre with its fairly predictable offerings, and a handful of Man-Who-Came-To-Dinner little theatres), Stephano's Minneapolis pizzeria—no larger than a hatbox—holds occasional avant-garde readings and performances. But if the waitresses aren't sent out during the performance there's no room for an audience — although those who attend don't seem to mind.

It's this not minding, this casualness that marks the scene. A few who never heard *Life's* boom and don't go in for the *Tribune's* various kinds of culture, do take fire at the possibility of a major league baseball club moving to the Twins. Although eager for this event, the two cities proved wholly incapable of the cooperation necessary to erect a single major-league-sized stadium. Instead, each city built its own. Now, logically, two major league clubs are needed. Until they move in (the sports pages carry almost daily hope), there's slam-bang Big Ten football which most everybody follows if only to second-guess the Minnesota coach when the season is poor.

But football only dents the year's end. For all the other months, easygoing is the word, notwithstanding isolated cries of Boom! Revival! Renaissance! San Francisco is the real place for all that.

ART

Maurice Grosser

THE Brooklyn Museum is holding until July 27 an anniversary exhibition in honor of the seventy-fifth birthday of the Brooklyn Bridge. There are paintings, photographs, newspaper engravings, engineering drawings and even a massive two-foot section of the suspension cable—quite enough to tempt one to cross the bridge to see.

The best-known of the paintings are those by Joseph Stella, of which the earliest, painted in 1918 on a bed sheet, is the finest. Of the two Albert Gleizes, the one painted in 1917 is the handsomest bright-colored Synthetic Cubist explosion I have almost ever seen. There is a charming primitive by Israel Litwak in varnished colored crayon with things glued on, a false primitive by Guglielmi of a South Street wedding, an Afro, an O'Keeffe, a Hassam, a Marin, a Saul Steinberg and a Hedda Sterne. There is lacking only Eugene Berman's drawing of some years back—probably inappropriate for an anniversary celebration—of the bridge in ruins.

The bridge itself took sixteen years to build. It cost the life of its designer, John Augustus Roebling, and rendered his son an invalid. It was completed in 1883. Its massive design, so characteristic of the architecture of that decade, is evident even in the engineering plans displayed. These nostalgic proportions, as well as the bridge's reassuring durability, have made it an object of affection for us all. It is our Eiffel Tower.

THE Whitney Museum will show until June 15 an exhibition of 180 pictures and pieces of sculpture loaned by mem-

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bers of the Friends of the Whitney Museum of American Art—a representative selection of the American work of the last fifty years, both abstract and representational, from Henri and Sloan to Rivers and Hofmann. Although the pictures come from private collections, their execution is in general more brilliant and their subjects more striking than one would think a domestic interior could comfortably accept. Such bright restlessness is one of the common characteristics of present-day American painting, but it is certainly not found in Jack Levine's wonderful *King*, crowned and reading a torah, in Mark Tobey's *Travellers III*, with its sprinkling of pale, square dots, in any of the Marins, in Glackin's *March Day in Washington Square*, with its lovely spring color, in the unexpectedly beautiful Eilshemius *Boat and Inlet*, in Isabel Bishop's man *Mending*, or in the *May V* of John Levee with its handsome, thick, dry, paint surface. Among the more public and aggressive works, Ivan Albright's *The Hole in the Wall Gang*, a still life of a suit of cowboy clothes, is particularly fine, as is Reginald Marsh's *Steeplechase Park*, crowded with laughing girls being tossed about in fun machines, the painter's wife standing amused and happy in their midst.

The Friends of the Whitney Museum, is organized to further the welfare of contemporary American painting. It is going about it by the only effective method yet devised—by buying works of art. Its purpose is incomparably more respectable than that of the preceding Whitney exhibition—Twentieth Century American Painting in Reproduction. This was a showing of forty color reproductions assembled by the United States Information Agency, three hundred identical sets of which, mounted and labeled, are to be distributed among the U. S. embassies and agencies abroad.

However good its intentions, the U.S.I.A., in distributing reproductions of paintings, is not supporting art, it is encouraging lip service; it is not patronizing artists, but underwriting publishers. Popularizing color prints does not sell paintings. Even the small royalties accruing from the sale of the reproductions go to the collectors and museums that own the pictures, not to the men who made them. Other governments interested, as all governments are, in the advancement of national culture, provide their embassies with real works of art. We do not furnish our foreign offices with imitation ice boxes and fake Cadillacs. Why should we provide them with fake pictures?

RECORDS

Lester Trimble

FOR THE past several days, I have been listening to the Beethoven String Quartets as they were recorded for Westminster by the Barylli Quartet, and I have been astonished — both by the quality of this music, which will never be surpassed and has always amazed me; and by the fallibility of performance which makes the evocation of all music a matter of gamblers' odds and intuition. The Quartets to which I listened were the middle and late ones: skipping the group of early, Opus 18 works, which the Barylli had put into the catalog a long time ago, and beginning with the Opus 59 "Rasoumovsky" Quartets, Nos. 1, 2 and 3. These were all new recordings, as were those of the Opus 74 Quartet (*The Harp*); Opus 127; and Opus 132. The others, Opus 93 (*Serious*); Opus 130 (*Heiliger Dankgesang*); Opus 131; Opus 135 (*Es muss sein*); and the *Grosse Fuge*, Opus 133, were reissues. With this massive release, the Barylli Quartet joined the ranks of the major ensembles which have recorded the entire series of sixteen Beethoven Quartets.

I wish I could report that they had made a significant contribution to recorded literature. But that is where my feelings about fallibility come in. At the very beginning, I was impressed by their playing. But this sensation faded, and perhaps I can indicate the wavery trend of my enthusiasm by transcribing my notes on the first two quartets I heard. For example, on Opus 59, No. 1:

"First two movements splendid. Third a shade too fast—not sufficiently serious. Fourth movement less convincing than first two. Quartet gets weaker as it goes." Or about Opus 59, No. 2: *"First movement tempo a bit slack, slow and limp. Second slow, heavy; rather pedantic. Third terribly slow; waltz pedantic. Fourth good; more incisive (a fast movement)."*

As you can see, there was little real pattern. Some movements sounded fine; others tended toward sluggishness, mediocrity, or, occasionally, pedantry. My parenthetical remark, *"a fast movement,"* marked a suspicion that the Barylli group was more at home in allegro music than in slow movements. But this idea turned out to be unfounded, and I have not, to this minute, accounted for the erratic quality of the quartet's playing. Occasionally, the Barylli is equal to the best ensembles in professional practice. At other times, they give an impression of vagueness and slight confusion, as if they just didn't know what they were supposed to do with a specific contrapuntal passage, or why the composer had fitted *tenuto* signs or unusual rests into the texture of his music. Their solution for some of these difficulties is to ignore them, which is inexcusable. It contributes to a general feeling of intellectual fuzziness and a blurring of effect. At one point, a person who was listening to the records with me commented that the Barylli played "like good civil servants." I sadly agreed.

It seemed to me that a slight difference in reproduction quality was noticeable between the quartets which were reissues and those which had been newly recorded. If this was true, however, the difference was inconsiderable and unimportant. The finest playing in the series came in Beethoven's last quartet, Opus 135, and the tonal quality of this reissue was certainly equal to that of the best of the new cuttings. From a musical point of view, the performers caught the drama (or melodrama, as some Beethoven detractors insist) inherent in Opus 135, its fluidity and lyricism and the beauty of its "orchestration." Their intonation in octaves was of the precise sort which can make the string quartet, as an ensemble, unbelievably projective; their performer unity, particularly in the first movement, was complete. This disc (*XWN 18642*), I can recommend. In addition to a splendid reading of Opus 135, it carries a fine performance of the *Grosse Fuge*.

Another good reading was that of Opus 74 (*XWN 18637*). This was everywhere admirable, and in the third

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movement, which is generally played with misplaced accents, the group not only put them into proper perspective, but sprinkled around a good handful of spice. The Opus 59 No. 1 Quartet *(XWN 18634)*, despite its ups and downs, also merits consideration.

The other performances, though always professional, would, I think, be of interest only to discophiles.

Record numbers not already given are: Op. 59, No. 2: *XWN 18635;* Op. 59 No. 3, plus Op. 95: *XWN 18636;* Op. 127: *XWN 18638;* Op. 130: *XWN 18639;* Op. 131: *XWN 18640;* Op. 132: *XWN 18641.*

THE Vanguard Recording Society has come out with a marvelous representation of old music on two *Bach Guild* recordings. One of them carries Bach's Magnificat in D, with soloists and the choir and orchestra of the Vienna State Opera directed by Felix Prohaska (*BG-555*). The other has six delightful works by Georg Philipp Telemann, as played by *I Solisti di Zagreb*, a thirteen-man string ensemble conducted by Antonio Janigro. The music-making in both cases is a model of intelligence and exuberance. On the *Solisti* disc (*BG-575*) are gathered a Concerto in E Minor for Oboe and Strings (André Lardrot, soloist); a Viola Concerto in G Major (with violist Stefano Passaggio); a Violin Concerto in A Minor (violinist Jelka Krek); an A Major *Sonata a quattro;* and an Oboe Concerto in D Minor. They are all charming works; even those which show faint signs of compositional routine offer one or two movements that are entrancing for their directness and musicality.

Prohaska's direction of the *Magnificat* is admirable. Much of the music in this choral-orchestral work is so personal and sensuous that the religious texts seem almost anachronistic; the most beautiful sections melt with Italianate amorousness. The soloists in this performance are attractively fluent. Anton Dermota, the tenor, finds the lowest tones of his solo aria out of range; he is also a bit unsteady in rhythm. But when he is not having such troubles, he sings as brightly as the others, including Mimi Coertse and Margaret Sjöstedt, sopranos; Hilde Rössl-Majdan, alto; and Frederick Guthrie, bass.

A new Composers Recordings, Inc. disc (*CRI-122*) has Thor Johnson as the conductor of four contemporary American works which were recorded at the Peninsula Music Festival in Fish Creek, Wisconsin. These make an attractive group, consisting of Irwin Fischer's *Hungarian Set* for strings and celeste; Robert Nagel's Concerto for Trumpet and Strings, Op. 8; the young Chinese-American composer, Chou Wen-chung's *Landscapes;* and John Lessard's Concerto for Flute, Clarinet, Bassoon, String Quartet and String Orchestra. The Fischer work is amiable, resonantly scored, and tinged with a pleasant Hungarian folk-song quality; the Chou *Landscapes* are pointillist and as delicately colored as the Chinese poems which inspired them; Lessard's Concerto is vigorous, interesting and clean-cut. The Nagel work is a bit studentish and seems limited by its solo instrument. But, on balance, this is one of CRI's most cheerful issues.

A pair of Overtone discs present the young Brazilian cellist, Aldo Parisot, with pianist Leopold Mittman, in works by Debussy, Schubert, Mendelssohn and Chopin. Parisot draws an elegant, light tone from his Montagnana instrument; his musicianship is cultivated, youthfully lyric, and faintly Latinate. I do not think I have ever heard a more apt performance of the Debussy Sonata No. 1 in D Minor, and the cellist's readings of the Schumann *Fantasiestücke,* Op. 73, and the Mendelssohn Sonata No. 2 in D Major, Op. 58 (grouped with the Debussy on *Overtone 16*) are refined and stylistically convincing. On *Overtone 17* are the Mendelssohn *Variations Concertantes,* Op. 17; Schubert's *"Arpeggione"* Sonata; and the unfamiliar Chopin Sonata, Op. 65, in G Minor.

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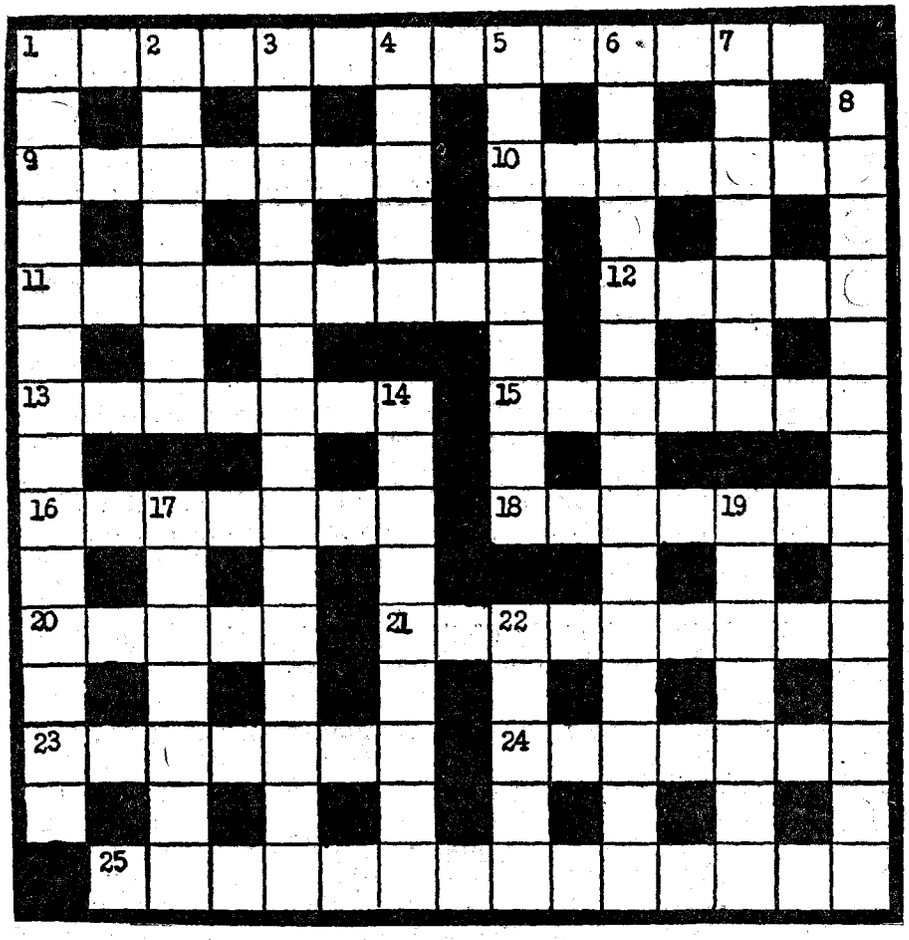
Crossword Puzzle No. 773

By FRANK W. LEWIS



ACROSS:

1 and 22 down The way you take someone when he says he does? (3, 6, 2, 3, 5)
9 People set wrong on the evil sort. (7)
10 How to put the head on a drum? (Trap, that is!) (7)
11 Pull a maid out of her element? (Troy depended on it!) (9)
12 Musically, a little bit of salt and sweetness. (5)
13 You can only score the last if you don't get the first, as a leader does. (7)
15 A wrinkled suit in a different place. (7)
16 Commercial impediment? (7)
18 He probably cares for things like something low on a high spot. (7)
20 Turns to ice? No wonder one doesn't feel much inside! (5)
21 The "Salt Lake City" as an example of them? (In New England, they don't have hips.) (9)
23 Lovers perhaps have a point to decide. (7)
24 Comparatively wet point in the West. (7)
25 A hat couldn't be the worst half of Napoleon. (7, 7)

DOWN:

1 Do they still hold their chairs after heavy eating. (4, 10)
2 It might run true to form with 1, 5 and 50. (7)
3 Not part of the main course. (15)
4 His goodbye was not temporary. (5)
5 Shouldn't an invalid change a tire much? (9)
6 Sable trim, no doubt! (7, 8)
7 Kiangs, or just wild oranges? (7)
8 A complement to rebel exuberance? (This should be well noted!) (7, 7)
14 The quality of some malt liquors—at least the full-bodied sort! (9)
17 The time of Shubert's life? (7)
19 Such fees might be paid out in it. (7)
22 See 1 across

SOLUTION TO PUZZLE NO. 772

Across: 1 and 10 NOT TO BE SNEEZED AT; 9 PEBBLES; 9 SNUFF; 11 RECORDERS; 12 NEEDS; 13 LIE DOWN; 15 DRIZZLY; 17 NINNIES; 19 ADENOID; 21 ALPHA; 23 CAPRICORN; 25 ERUDITION; 26 DRILL; 27 TAKEN IN; 28 HEARTHS. Down: 1 NOSTRIL; 2 TRUNCHEON; 3 OFFER; 4 EASTERN; 5 and 19 down PLEASED AS PUNCH; 6 BYZANTINE; 7 LODGE; 8 SATISFY; 14 OXIDATION; 16 ZOOLOGIST; 17 NEAREST; 18 SECTION; 20 DANGLES; 22 PLUCK; 24 INDIA.

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